

DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS FOR 2023

HEARINGS
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED SEVENTEENTH CONGRESS
SECOND SESSION

SUBCOMMITTEE ON HOMELAND SECURITY

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DEPARTMENT OF HOMELAND SECURITY

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DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS FOR 2023

WEDNESDAY, APRIL 6, 2022.

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

WITNESS

UR M. JADDOU, DIRECTOR, U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Ms. ROYBAL-ALLARD. The Subcommittee on Homeland Security will come to order.

As this hearing is being conducted virtually, we must address a few housekeeping matters.

During today's virtual hearing, members are responsible for muting and unmuting themselves. When you are recognized to speak, if I notice that you have not unmuted yourself, I will ask you if you would like the staff to unmute you. If you indicate approval by nodding, staff will unmute your microphone.

To avoid inadvertent background noise, the Chair, or staff designated by the Chair, may mute participant microphones when they are not recognized to speak.

If there is a technology issue during a member's speaking time, we will move to the next member until the issue is resolved, and you will retain the balance of your time.

We will be following the 5-minute rule. With 1 minute remaining in your time, the clock will turn yellow. When your time has expired, the clock will turn red, and it will be time to recognize the next member.

We will follow the speaking order set forth in the House rules, beginning with the Chair and ranking member, followed by members present at the time that the hearing is called to order in order of seniority and we will alternate by party. Next, we will go to the members who were not present when the hearing was called to order, until every member present has had a first round.

Members can submit information in writing at any of our hearings or markups using the email address provided in advance to your staff.

Now, let's begin.

Today, I welcome Ms. Ur Jaddou, the Director of U.S. Citizenship and Immigration Services, who is here to discuss the fiscal year 2023 budget request for USCIS, the management of its resources, and its operational priorities and challenges. Thank you for being here this morning.

Director, coming into this job, you inherited massive challenges: eroding public confidence stemming from poor fiscal management,

and growing backlogs of applications and petitions that caused significant harm to individuals, communities, and businesses who rely on fair and timely USCIS processing and adjudication of benefits.

USCIS and State Department operations also have been significantly impacted by the pandemic, further exacerbating these backlogs.

While it is easy to fixate on the challenges that still face the agency, it is important to acknowledge progress that has been made. You and the Biden/Harris administration have taken many important steps, beginning with the issuance of Executive Orders and proclamations aimed at restoring faith in our legal immigration system.

In addition, you have removed unnecessary barriers to naturalization for eligible individuals; withdrawn the punitive public charge rule; restored and expanded the Central American Minors Program; made it easier for active military personnel and veterans, including those residing outside of the U.S., to become citizens; updated guidance on VAWA self-petitions to better align with the intent of the program; put a stop to the practice of returning applications with minor mistakes or omissions; and decrease the pending naturalization case queue by approximately 20 percent in 2021 and return to pre-pandemic processing levels for naturalization.

Thank you for your leadership on each of these accomplishments, but we cannot rest on our laurels. As of the end of January of this year, USCIS had a backlog of more than 5.26 million forms, representing nearly 62 percent of its total pending inventory. This is the most pressing challenge facing this agency right now.

Congress provided \$275 million in discretionary funding in the recently enacted funding bill for fiscal year 2022 to help you address this problem, and your fiscal year 2023 budget proposes additional appropriated resources to address for these purposes.

For USCIS's humanitarian work, such as its asylum and refugee program, the request also reflects the beginning of an important and long-overdue transition away from fee funding to appropriated funding, along with new discretionary resources to support asylum officer adjudication of asylum claims made by newly-arriving migrants.

Unfortunately, funding alone will not solve USCIS' challenges. The hiring freeze, in particular, has had a lasting detrimental impact on the agency. I look forward to hearing more from you today about the steps you are taking to address your staffing needs, the challenges you face, and where there are opportunities for improvement.

I would now like to turn to the distinguished gentleman from Tennessee, Ranking Member Fleischmann, for his opening remarks.

Mr. FLEISCHMANN. Thank you, Madam Chairman.

Chairwoman Roybal-Allard, I really appreciate all of your efforts and hard work as the chair of this subcommittee, and I sincerely look forward to working with you and partnering with you as we begin our work on fiscal year 2023 and its process.

Welcome, Director Jaddou. I thank you for joining us today. As we examine the USCIS budget request, I am deeply concerned

about some of the most recent border security and immigration actions by this Administration, and what they portend for the future.

USCIS Officers have a front-row seat to the border crisis that has been unfolding over the last 18 months. We have a record number of migrants crossing our borders illicitly, many of whom claim fear of persecution or torture should they return to their home countries. I do not doubt that there are many well-founded claims, but there are false ones too. It is well documented that migrants are coached on what to say by the cartels to maximize their chance of staying in the country. The job of the USCIS Officers is to make hard calls and separate legitimate from illegitimate claims, and that is no easy task.

With the Title 42 public health authority being lifted next month, I fear that the surge that follows will completely overwhelm our border security and immigration capabilities. Managing the chaos from this unforced error will be a full-time job.

As we turn to the USCIS budget request, once again we see the Administration proposes a nearly \$500 million increase in appropriated dollars to address the growing number of applications waiting for a response. Backlogs are not a new development; rather, they have existed for quite some time and grow daily. The fundamental problem with supplementing the agency's budget with appropriated dollars is that USCIS is designed to be a fee-funded agency and was never intended to be reliant on taxpayer funds except for a few programs like E-Verify. We should be very cautious about shifting the burden of these immigration services away from the individual fee payers.

The remedy in the event of a deficit is simple: exercise the authority provided for in the law and set the fees at a level that will ensure recovery of the full costs for providing all such services.

USCIS' budget proposal also calls for \$375 million for roughly 2,000 more asylum officers in part to implement the Administration's ill-advised asylum officer rule.

Under the guise of expediting asylum claims, the Administration proposes to have USCIS Officers do the work of immigration judges and adjudicate these claims. This non-adversarial process is fundamentally flawed and will result in additional layers of appeals, lengthier adjudication time lines, and, ultimately, an increased backlog.

In the middle of the border crisis, the President's budget proposes to hire nearly seven times more asylum officers to manage this policy-driven crisis than the Border Patrol agents who worked to prevent it in the first place.

I look forward to hearing how you intend to address the current backlog and the potential surge stemming from the removal of Title 42 authority, and I thank you for coming before us today.

Madam Chairwoman, I yield back. I thank you.

Ms. ROYBAL-ALLARD. Thank you.

Director Jaddou, we will submit the text of your official statement for the hearing record. Please begin your opening statement, which I would ask you keep to 5 minutes.

Ms. JADDOU. Thank you.

Good morning, Chairwoman Roybal-Allard, Ranking Member Fleischmann, and distinguished members of the subcommittee.

Thank you for taking the time to hear from me today. I am honored to have this opportunity to update you on our agency's budget, which is grounded in fulfilling our incredible mission of upholding America's promise as a nation of welcome and possibility for all those we serve.

With your support, USCIS has received appropriations in the past and, most recently, we are very grateful for the \$275 million for USCIS to reduce the backlogs and support the President's refugee admissions ceiling, as well as the \$193 million to support Operation Allies Welcome.

Each case represents a person, a family, an opportunity, and a dream. It also represents a chance for our communities and our country to more fully benefit from the talents and energy immigrants have to offer. And every single applicant or petitioner who makes a request to USCIS should get an answer, be it yes or no, in a reasonable amount of time.

Before we delve into the specifics of the budget, I want to note the work USCIS has done over the past year. A series of executive orders provided us with guideposts and milestones to improve our immigration system by removing barriers that prevent it from operating smoothly, securely, and responsively.

One of the biggest barriers we face are a legacy of backlogs and lengthening processing times, delays that really help no one. We currently have about 8.5 million pending cases and, of those cases, about 5.3 million have been pending beyond published processing times. There are many reasons for these delays: the devastating effects of the pandemic on our ability to conduct our work, a fiscal crisis USCIS had never experienced, and many vacancies.

While I know there still is much work to do, I want to take a moment to appreciate the staff of USCIS who have shown incredible dedication, resilience, and innovation in fulfilling the mission of USCIS throughout an unprecedented pandemic and under threat of furlough. Together, we have made progress.

We have been working diligently to bring on new staff to fill many existing vacancies resulting from the year-long hiring freeze we experienced through mid-2021. I have implemented a hiring plan to achieve a 95-percent onboard rate by the end of 2022. I recently announced new cycle time goals for many key forms; we hope to achieve these goals by the end of fiscal year 2023.

It will take much work and ingenuity, but I am confident we can get there. We have a plan to implement end-to-end electronic filing, processing payment, and case management for USCIS. We have already made strides in implementing online filing options, including for our employment authorization documents.

We continue to review and revise regulatory policy and operational decisions with an eye towards breaking down unnecessary barriers that have hindered those eligible from accessing immigration and naturalization in a timely manner.

In fiscal year 2021, we held more than 2,000 virtual engagements with approximately 74,000 attendees, including over 2,000 local engagements and 47 national engagements, covering more than 20 topics.

The fiscal year 2023 budget supports the President's priorities by restoring faith in the immigration system, including implementa-

tion of a fair and efficient asylum process. A recently-finalized asylum processing rule will ensure that those who are eligible for asylum are granted relief quickly and, for those who are denied, they are promptly removed. When fully implemented, we expect our asylum-related efficiencies will shorten the process to several months for most asylum applicants covered by the rule.

Consistent and dedicated funding through appropriations is necessary to address our growing humanitarian workloads. Our asylum and refugee programs do not require fees and, without appropriated resources, the costs associated with these programs must be borne by all other fee-paying applicants and petitioners. As those costs increase, so do the costs to our fee-paying applicants and petitioners.

The President's fiscal year 2023 budget seeks to shift our humanitarian programs from fee funding to appropriations, aligning our agency with the appropriations received by other agencies doing similar work. Importantly, his request supports USCIS' multi-year plan to continue reducing the backlog, resource critical investments in cybersecurity, and sustain the E-Verify program.

USCIS is also prioritizing additional staff and technology improvements to reduce our growing backlog and to prioritize key forms such as for work authorization and naturalization.

Chairwoman Roybal-Allard, Ranking Member Fleischmann, and distinguished members of the subcommittee, thank you for your continued support of our incredible and unique mission at USCIS, and thank you again for affording me the opportunity to appear before you and discuss the agency's fiscal year 2023 budget. I look forward to your questions.



U.S. Citizenship
and Immigration
Services

Ur M. Jaddou
Director
United States Citizenship and Immigration Service

Written Testimony

Before the
United States House of Representatives
Committee on Appropriations
Subcommittee on Homeland Security

April 6, 2022

Good morning, Chairwoman Roybal-Allard, Ranking Member Fleischmann, and distinguished members of the Subcommittee. Thank you for taking time to hear from me today; I am honored to have this opportunity to update you on our agency's budget, our dedicated workforce, and our ongoing efforts to improve and strengthen our programs, policies, and priorities, which are grounded in fulfilling our incredible mission of upholding America's promise as a nation of welcome and possibility for all those we serve. My name is Ur Mendoza Jaddou, and I am the Director of U.S. Citizenship and Immigration Services, a component of the Department of Homeland Security and the agency that administers the lawful immigration system for our country. It's always great to return to the Hill, particularly the House of Representatives where I served as a staffer on the House Judiciary Committee for many years. Now, as Director of USCIS, I am proud and excited to forge a stronger relationship between the Appropriations committees and our agency.

With your support, USCIS has received appropriations in the past, primarily to fund E-Verify and the Citizenship and Integration Grant Program; however, most recently the FY 2022 appropriations included an additional \$275 million for USCIS to assist our efforts to reduce backlogs and support the President's refugee admissions ceiling of 125,000. In addition, USCIS is also appreciative of the \$193 million in funding support for the Operation Allies Welcome efforts you provided in the FY 2022 Continuing Resolution as part of the Afghanistan Supplemental Appropriations Act, 2022. Now, in the President's FY 2023 Budget, USCIS is requesting funding that strengthens and supports our efforts to administer our lawful immigration system with fairness, integrity, and respect for all we serve. I believe the American public deserves nothing less and am keenly aware that every application we adjudicate not only represents the hopes and dreams of individual immigrants and their families, but also an opportunity to strengthen our nation.

Before we delve into the specifics of the budget, I want to note the work USCIS has done over the past year. A series of executive orders provided us with guideposts and milestones to improve our immigration system by removing barriers that prevent it from operating smoothly, securely, and responsively. One of the biggest barriers we face are a legacy of backlogs and lengthening processing times for our applications, delays that help no one.

Each case represents a person, a family, an opportunity, and a dream. It also represents a chance for our communities and our country to more fully benefit from the talents and energy immigrants have to offer. Every single applicant who seeks a benefit from USCIS should get an answer – be it yes or no – in a reasonable amount of time.

We currently have about 8.5 million pending cases and of those cases, about 5.3 million have been pending beyond published processing times. There are many reasons for these delays – the devastating effects of the pandemic on our ability to conduct our work, a fiscal crisis USCIS had never experienced, and staffing vacancies. Our employees are dedicated, innovative, and hardworking. Many continued to do important work that required them to come into the office, even during the pandemic. Others found innovative ways to conduct their work away from the office, while not sacrificing its integrity or quality. Today, there simply are not enough of them. To help us track and reduce our processing times and backlog, we are focused on increasing staffing, together with the proper resources, some policy and outdated operational changes, and

better technology. While we know we have a lot of work ahead of us, I am energized to take it on, and I believe I can say the same for the entire USCIS workforce. We are now guided by a new mission statement: "USCIS upholds America's promise as a nation of welcome and possibility with fairness, integrity, and respect for all we serve." This new mission statement affirms our commitment to an immigration system that is accessible and humane and reflects the character of both our country and our Agency.

To deliver on our new mission statement, I have also laid out my five agency priorities:

1. *Strengthen USCIS Fiscal Health and Management:* We must ensure USCIS has the resources to responsibly manage its existing workload and execute key administration priorities. This includes proposing and finalizing a new, equitable fee structure that balances our fiscal needs with our goals of promoting access to the immigration system.
2. *Increase Hiring and Improve Employee Morale:* We must attract, recruit, train, and retain a diverse and resilient workforce. We are marshaling our resources to fill nearly 4,000 vacancies and welcome your partnership in building a new generation of public servants who represent the best and brightest that America stands for. We also know that we need to support our existing employees, so they are excited about our mission and their work that helps us achieve it, including having a voice in shaping our agency for the future.
3. *Promote Efficiency in USCIS Adjudications:* We are implementing a robust strategy that gives our workforce the tools to efficiently adjudicate cases and reduce the time individuals wait for decisions. And to get there, we cannot simply employ approaches that have us working "harder" or "faster." We need to make meaningful changes to our processes and systems. While ensuring integrity and national security, we will use every available policy and operational tool to achieve reasonable processing times.
4. *Deliver on our Humanitarian Mission:* Time and again, USCIS is called to respond to humanitarian emergencies. We must be resourced and well positioned to fulfill this ever-growing, critical mission for our nation's interests.
5. *Strengthen Public Engagement and Improve Customer Service:* We are working every day to inspire trust by rebuilding relationships and communications with the communities we serve and ensuring applicants and petitioners have timely, meaningful access to assistance and resources.

While I know there is still much more work to do, we have already made great strides:

- *Hiring:* We have been working diligently to bring on new staff to fill many existing vacancies that could not be addressed during the year-long hiring freeze we experienced through mid-2021. I have implemented a hiring plan to achieve filling 95 percent of our

vacancies by the end of calendar year 2022; currently, we have over 120 external hiring announcements that will help us fill hundreds of vacancies. Additionally, we have over 450 individuals in the onboarding pipeline. To retain a bright and talented workforce, it was important to offer well-deserved promotions and new opportunities for the many dedicated, experienced USCIS employees already in our ranks who patiently waited during our hiring freeze. Now, we are focusing on external recruitment and pursuing other efficiencies in our hiring process to fill as many vacancies as possible before the end of the calendar year.

- *Streamlined processing:* I recently announced new processing, or cycle time goals for many key forms, including Employment Authorization Documents, Adjustment of Status, Deferred Action Childhood Arrival renewals, Immigrant Petition for Alien Worker, and Petition for a Nonimmigrant worker. We hope to achieve these goals by the end of FY 2023. It will take much work and ingenuity, but I am confident we can get there.
- *Technology:* We have a plan to implement end-to-end electronic filing, processing, payment, and case management for USCIS. We have already made strides in implementing online filing options, including for Employment Authorization Documents.
- *Regulatory/Policy Review:* We continue to review and revise regulatory and policy decisions with an eye towards breaking down unnecessary barriers that have hindered access to immigration benefits in a timely manner.
- *Public Engagement:* We have adapted to the virtual engagement environment. In FY 2021, we held more than 2,000 virtual engagements, with approximately 74,000 attendees, including 2,069 local engagements and 47 national engagements, covering more than 20 topics. I believe we are on track to have even more engagement activities in FY 2022, including more in-person meetings as the COVID pandemic restrictions continue to ease.

I am clear eyed about the challenges ahead and recognize that the work of our agency is growing. This is why I am so excited to speak with you today about our budget and how it will help us fulfill our mission and my priorities.

The FY 2023 Budget supports the President's priorities by restoring faith in the immigration system, including implementation of a fair and efficient asylum process. A recently finalized asylum processing rule will ensure that those who are eligible for asylum are granted relief quickly while those who are denied following a final decision are promptly removed. When fully implemented, we expect our asylum-related efficiencies will shorten the process to several months for most asylum applicants covered by the rule.

The President's Budget ensures that the U.S. Refugee Admissions Program embodies America's commitment to protect the most vulnerable.

Consistent and dedicated funding through appropriations is necessary to address our growing humanitarian workloads. Our asylum and refugee programs do not require fees, and without appropriated resources, the costs associated with these programs must be borne by all other fee-paying applicants and petitioners. As those costs increase, so do the costs to our fee-paying applicants and petitioners. As such, the President's FY 2023 Budget seeks to shift our humanitarian programs from fee funding to appropriations, aligning our agency with the appropriations received by other agencies doing similar work.

Importantly, this funding supports USCIS' multi-year plan to reduce the backlog and will resource critical investments in cybersecurity and sustain the E-Verify program. USCIS is grateful for the appropriated funding we have already received in FY 2022 to support backlog reduction, and refugee processing. With these resources USCIS now has the dedicated funding to support refugee admissions up to 125,000, by hiring new staff to handle the significantly larger workload. Additionally, USCIS is prioritizing additional staff and technology improvements to reduce our growing backlog, prioritizing those resources on forms such as Employment Authorization Documents, Applications for Asylum and Withholding of Removal, and Applications for Naturalization. These funds were essential to the progress our agency has already made. The President's FY 2023 Budget will continue to build on this foundation and ensure that USCIS can successfully uphold America's promise as a nation of welcome and possibility with fairness, integrity, and respect for all we serve.

Chairwoman Roybal-Allard, Ranking Member Fleischmann, and distinguished members of the Subcommittee, thank you for your continued support our incredible and unique mission at USCIS, and thank you again for affording me the opportunity to appear before you and discuss the Department's FY 2023 Budget. I look forward to your questions.

Ms. ROYBAL-ALLARD. Thank you, Director Jaddou.

One of the things I have significant concerns about are the overall capacity of USCIS to execute its mission, both in terms of the new, incoming workload, and addressing the backlog. I am also troubled that the agency hasn't been able to make significant strikes in increasing its staffing levels since the hiring freeze was lifted over a year ago. I believe these staffing shortages are currently the biggest challenge that you face at this time.

Do you agree with that assessment? And what are the primary factors behind USCIS' hiring challenges, and what steps are you taking to address them?

Ms. JADDOU. Thank you, Chairwoman.

So our approach to the backlog and our increasing processing times is multifaceted. We are hiring, as you noted, and we are trying to fill the existing vacancies that are within our budget, but we are also planning for the future when we propose and finalize a fee rule that is equitable and also with the appropriations that you have provided in the past and as well as, hopefully, in the future to fill those vacancies.

They are a lot of vacancies and certainly there is a lot of work for us to do. So what we have done is prioritized hiring as something we are working very, very closely with hiring officials across the agency. We are looking for efficiencies in our hiring process all over the place, including trying to lure back some of our former USCIS folks who left in recent years and trying to bring them back in a faster process; also, thinking about direct hiring authority; and we are working closely with the directors of each office and tracking every step of the process to ensure that no time is wasted with each step of the hiring process. It can be rather long, so we are trying to shorten it as much as possible.

But it is not just about hiring. It is also about something I mentioned in my opening statement: it is about goals, setting goals for ourselves, which I just did, and that is something that is not just something we set and moved on, we are constantly trying to implement those goals, as well as efficiencies and technology.

Ms. ROYBAL-ALLARD. Do you have a projected time line of when you believe you will be able to meet your hiring targets?

Ms. JADDOU. So we have a plan to achieve 95-percent fill rate of existing positions by the end of 2022.

Ms. ROYBAL-ALLARD. So, given all the challenges that USCIS has faced in the past few years, I am worried about the workforce and, you know, the morale that you are facing right now. What actions are being taken to improve, you know, the working conditions and restore employee morale?

Ms. JADDOU. So I am with you. If we don't improve employee morale, we will not get there. It is so important for us to stay focused on that. And this might sound a little bit not directly at employee morale, but in fact strengthening our fiscal position, our fiscal management throughout the agency, is critical. That rocked everybody's morale when that happened and even now. I walked in in August of last year, I feel the reverberating effects of that threatened furlough, something that USCIS never experienced in the past. It does make people question when they are thinking about maybe retiring earlier, or maybe there is another job in another agency with more

security, or when we are trying to attract folks to the agency they are thinking, wait a minute, is that an agency where perhaps I could lose my job?

So these are things that, if we are going to get there, if we are going to get to our processing goals, we need to secure the morale of the agency and the only way to do that is to say we are in this together, we are all going to protect each other, and that means fiscal management, careful fiscal management.

So I consider my work with our CFO integral to every part of the agency in everything we do; otherwise, we are not going to get there. And so that is one part of it, I think that is the base, but I am spending a lot of time listening. I am going not only virtually in settings like these across the agency with town halls, big ones, small ones, but also, now that we are in a hopefully healthier place with regard to the pandemic, I am actually trying to travel to multiple offices all across the country, meet with our staff, hear from them, and then try—not just listen, but also take what they are telling us and try to implement change to ensure that people are being heard and also able to conduct their work in the most efficient way possible, but in an environment that protects them.

Ms. ROYBAL-ALLARD. Thank you.

Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Madam Chairwoman.

Again, welcome, Dr. Jaddou, and I thank you for being with us this morning.

The Biden administration has decided to end the use of the Title 42 public health authority effective May the 23rd. A substantial surge of migrants is likely to follow in quick succession since about half of all encounters are currently amenable to removal under that authority. I have some questions.

Is it likely that your asylum officers and perhaps others within USCIS will be diverted to address this surge?

Ms. JADDOU. Thank you for the question.

So my job at USCIS is to ensure that we have enough officers available to do credible fear interviews, reasonable fear interviews for individuals coming across the southern border and other ports of entry, but also we have a new rule that you had pointed to in your opening statement, the asylum officer rule, a new thing we are doing with regard to this population.

And so those are my dual missions. And, as you know, we have been hiring for that new asylum officer rule.

And then, over here, because we have had in the past increases in credible fear, reasonable fear interviews, related type of interviews, we have a staff—of course, if it grows tremendously, we are in the middle of hiring more and more people. So we are going to keep going. We have not—we don't see an end in sight in hiring.

So, clearly, my job is to get us ready and that is exactly what we are doing.

Mr. FLEISCHMANN. Okay. And, believe me, I understand your efforts in that regard, but this is going to happen May the 23rd, do you think that you are going to see a diversion of officers, asylum officers and others to address this surge? I guess I am asking for right now what—

Ms. JADDOU. Yes, if—so we have a lot of individuals that are capable of doing and have the authority to do that already and are doing it. We certainly do have other people who are available as well. So, whatever that surge, we will handle it. As other emergencies come up at any time, we are always capable and ready. We have an incredible workforce.

Again, that gets to the point about morale is, if we are going to continue to ask people to take on new duties on top of existing duties, then we need to ensure that they feel secure and in their jobs. And so that is part of what this request is about, to set that insurance policy for them.

Mr. FLEISCHMANN. In the event that these diversions occur, what kind of impacts will such diversions of resources have the USCIS? And I understand you are going to try to hire up to deal with this situation, but what types of diversions, what would that effect or impact be?

Ms. JADDOU. So it depends how large you are talking about. This happens every day at USCIS and I can give you the perfect example of Operation Allies Welcome, something none of us expected in the middle of the summer last year, we thought it would be a small program, and it grew rather quickly, but USCIS stepped up. We had 250 people from across our agency who volunteered to work at the military bases to assist with the population and ensure that they had work authorization in a rapid manner.

So those types of situations are not uncommon for our agency. At the moment, of course, we are also thinking about Ukraine and some of the things that we need to do with regard to Ukraine.

We are an agile workforce and we always step up where there is a mission that we are asked to do. Is it easy? No. We have to set, obviously, priorities, and we do have a limited set of resources and we always are constantly—it is a daily question, are those resources in the right places? And we ask ourselves, practically every day, how to move those resources around and ensure we are properly resourcing the proper priorities.

Mr. FLEISCHMANN. I understand. And I have got about a minute left.

So, based on what you have been able to explain to me, right now, you are not currently staffed to handle this increased workload, although you are trying to hire to do that. One follow-up question then, would it be fair to say that your case backlog will grow as the crisis on the border would get worse with this influx due to the Title 42 situation? In other words, do you anticipate the case backlog growing then?

Ms. JADDOU. So the important thing for me to answer here is we have a cadre of staff, not just in our Refugee and Asylum directorate, that are prepared and ready today to handle a lot of people. Will they have to put aside some other work? Yes, potentially, depending on how large or how small. So those are the questions. And sometimes it is just for a temporary period of time.

So, certainly, we are always prepared for those possibilities. Does it take a toll on other work? It does sometimes. And the goal is to keep hiring enough so that when we have these new demands on our resources, that we do have a lot more capability to expand as needed without affecting things that are already on our plate in

any way, that is the goal. The goal is to not have an effect on existing priorities, sometimes it has a little bit of effect. That is the goal, just a little bit of effect here and there; we don't want it to move people away, completely away from their other priorities.

So that is the balance we have here and I think we are trying to get there by right-sizing our agency to our growing humanitarian mission.

Mr. FLEISCHMANN. Thank you, Doctor.

Ms. ROYBAL-ALLARD. Mr. Cuellar.

Mr. FLEISCHMANN. Madam Chair, I will yield back and wait for round two. Thank you.

Ms. ROYBAL-ALLARD. Thank you.

Mr. Cuellar.

Mr. CUELLAR. Thank you, Madam Chair and Ranking Member, and certainly to our witness today.

I just want to say, we want to be supportive, as the chairwoman said, on your hiring and I know you are trying to expedite the hiring, but let me just—I live on the border. Like I always say, I don't come visit for a few hours; I live here, my family lives here. I drink the water, I breathe the air down here. And just to give you an idea of what we are seeing here and you have—I represent the Laredo sector and I represent the Valley sectors, Rio Grande, which is the highlight of where most of the people are coming in. Just to give you an idea, just yesterday in the southern part of my area we had 2,000 individuals that were encountered in the Reynosa-Grande-McAllen area, that is only one part. It doesn't include, you know, the part where Congressman Vincente Gonzalez or Filemon Vela represent. But just to give you an idea, just 2,000 individuals in one day in one part.

The Border Patrol Sector Laredo, which is another sector, has 60 percent of the Border Patrol that are not in the field, but are in the processing center, which means that they are only dealing with 40 percent of their personnel, they are actually providing homeland security; the rest are changing diapers, you know, doing all the important things to help the migrants, which are very important.

We have six checkpoints here, which means that, like it happened when the Del Rio situation happened, they closed the checkpoints because they had to send the personnel, because they are only dealing with 40 percent. That means that the checkpoints were open and people could pass drugs, whatever they have to do.

So I am giving you just a snapshot of what is happening, just 2,000 individuals in one day in a very small part of my area.

The hiring process that you are all doing—and we want to be helpful in any way, it is going to be very important—it took me 2 years to try to establish eight courts in Laredo, immigration judges. They still haven't hired all the immigration judges down here. So your asylum officers are going to be very important to address the credible fear.

My question has to do with what the Appropriations Committee added and that was the Joint Migrant Processing Centers, where \$200 million were sent in, and part of it has to do where CBP, ICE, and USCIS are supposed to work together to help us establish those joint centers, so we can hopefully be a little bit more efficient

in addressing the situation in that one-stop center and hopefully get Border Patrol out on the fields.

What can we do, Madam Director, to help you do your job? We want to be helpful to you?

Ms. JADDOU. So, thank you. I appreciate all—and I have to say thank you for all the help that already has been provided to USCIS. And, you know, frankly, the cost of humanitarian programs at USCIS has skyrocketed since the beginning of our agency approximately, you know, a little less than 20 years ago.

When we started as an agency under the Homeland Security Act in the early 2000s, the humanitarian mission was small, it was under five percent of our budget, and so it made complete sense at that moment. A small surcharge to our other fee-paying applicants and petitioners, no problem, it wasn't a big issue. We also didn't have multiple emergencies coming at us. For example, in less than a year, we had Operation Allies Welcome, now we have Ukraine. It is lots of things happening that we have to step up and help with, not only directly at USCIS, but also in assistance of a whole-of-government effort, as federal employees of DHS and also of the Federal Government.

But now that small, little, insignificant part of our budget has grown, and it will go from less than five percent to almost 20 percent. So almost a fifth of our budget will be our humanitarian mission. That is becoming a lot more significant of a surcharge to our applicants and our petitioners. Now we are looking at some real money, charging our applicants and petitioners a lot more for this than what was originally envisioned. That is the issue here and that is the help we are looking for.

Mr. CUELLAR. Thank you. I have got about 20 seconds.

If a person goes, if a hundred people go in front of an immigration judge, about 10 to 12 percent are going to be accepted on the asylum claim. What is it for an asylum officer if they go before a credible fear? If they have a hundred people, how many people will be accepted?

And my time is up, but if you can answer that?

Ms. JADDOU. Yeah, very quickly. So, under our asylum officer rule, that is what we are trying to do in a faster, more efficient, but fair process, is have people work through our asylum officers first and, for those who are eligible, grant them more quickly, and for those who are not, deny them more quickly than the current process that you mentioned. You are unable to fill judge positions in your neighborhood and here, what we are trying to do, we can much more quickly fill people. We can find asylum officers and fill them and train them well, much more quickly than the process for an immigration judge.

Mr. CUELLAR. All right. Thank you.

Ms. ROYBAL-ALLARD. Mrs. Hinson.

Mrs. HINSON. All right. Thank you, Madam Chair and Ranking Member Fleischmann.

I just want to thank you for holding this hearing today, Director Jaddou. Nice to meet you virtually.

I appreciate you appearing before our subcommittee today as well and I think we don't need to belabor the point today that we are all aware of the crisis at the southern border right now, a di-

rect result of the Administration's policies right now that I see as misguided and I know you have a very heavy job to do in dealing with this strain that you are dealing with.

I understand the impact on the morale, not only at all of DHS but USCIS as well.

So I understand that in our office we are focused on customer service here; that means helping constituents with the case work needs that obviously interact with your office too.

And there are some delays and it is very frustrating for my constituents for them to encounter those delays with USCIS, mostly because of the processing backlog.

So when I look at the Administration's request for \$375 million and nearly 3,000 officers to deal with the new asylum cases, my biggest question is what measures are being taken there, other than just hiring up, what measures are being taken to improve customer service for those who have followed the rules. They are legally residing and working in Iowa and they need to access those casework services.

Ms. JADDOU. Thank you for raising that question because that is a high priority of mine.

It is not just the service of ensuring that we are timely responding. Again, it is not about getting to yes or no. It is about getting to the right answer in a reasonable amount of time.

And that we are not able to do in a lot of cases, 60, over 60 percent of our cases at this time.

So that is a heavy focus of mine. In fact, it is—I have five priorities I have laid out for the year and that is one of them.

But also another priority there is customer service. It is not just being able to make the decision on that case in a reasonable period of time but also when somebody has a problem, and needs to call us because something has happened in their case, and needs to reach a person, a human being, absolutely, the situation we have now is not serving our applicants and petitioners well. And so—

Mrs. HINSON. Right. Do you know how long the wait time is right now when someone calls in?

Ms. JADDOU. I have heard it can be upwards of an hour and that, to me, is concerning. That doesn't mean it shouldn't be necessarily that but we shouldn't keep people on hold.

Is there a way, as many businesses in the private sector do, it is—we have a hold, a wait time, for "X" period of time. Would you like to be called back? Please leave your phone number.

We are looking at technologies like that and trying to institute those technologies but the reality is that when you have to talk to a person that means we need a person who has knowledge and experience on casework and those people are, at the moment, up to here trying to process cases.

So that is the trick. That is the balance. How do we ensure we keep enough people processing so that our delays go down. We don't have them anymore. At the same time servicing people, ensuring that they can talk to us when they need to.

So we are trying to leverage technology, have people use online tools, at the same time growing our customer resources, our human beings in customer service.

Mrs. HINSON. Yeah. Well, I want to be very clear. I will follow up on what one of my colleagues already addressed.

But I just want to make sure we are not diverting people from their work there to handle that casework to handle increased surge because we have to first, and foremost, focus on the people who are doing it right.

So that is number one. The other question I wanted to ask about the crisis in Europe obviously hitting home with what is happening in Ukraine. I have been meeting with families from my District who are trying to adopt children from Ukraine and obviously heartwrenching, very powerful stories. I am a mom of two boys myself and I think about what these children are facing and those families are facing as Putin and his thugs destroy their homelands.

So, you know, American families are bonding with these kids. They are hopeful that they are going to be reunited so are you following these cases and the challenges that these families are facing in adopting these children and bringing them to the country. What, if anything, is USCIS doing to help support these families?

Ms. JADDOU. Thank you for that really important question and I noted that one of the things, again, and when of the new humanitarian missions that has directly hit us is Ukraine. And even before the announcement by the President to resettle a number of people, we, at USCIS, immediately stepped back and said, as we did with Afghanistan, what is the current population of people seeking some kind of service of USCIS and how do we ensure that those folks are getting expedited so we can bring them here as quickly as possible?

If they are already in our pipeline and they are going to get to a potential yes, well then we don't we try to hurry that up in a crisis like this.

So that is the question we have asked of all of our programs and will continue to do that. And, of course, if there are any cases or any concern that you have, please do raise it with us.

Mrs. HINSON. I appreciate that. Thanks for keeping us in the loop on that and I am working with the State Department to get that done.

So thank you and I realize I am out of time, Madam Chair. I yield back. Thank you.

Ms. ROYBAL-ALLARD. Ms. Underwood.

Ms. UNDERWOOD. Thank you, Madam Chair and thank you for calling today's hearing.

Director Jaddou, I was glad to see that USCIS took steps earlier this year to replace the Trump administration's harmful public charge rule.

By discouraging immigrants and their families from using legal healthcare and other services during a pandemic, this rule made all of our communities less safe.

But rescinding the Trump administration rule does not mean that the real fear it created in the lives of our neighbors has been rescinded with it.

The very same week the Biden Administration proposed its new public charge rule, I heard from a constituent who was voluntarily cancelling her SNAP benefits. She is a citizen with a baby on the

way and she is scared that receiving any government assistance will impact her husband's visa application.

My staff has tried to connect her with other resources and to explain how the new rule will keep her family safe but the damage has been done and this is just one family out of many.

It is clear that our federal government has a lot more work to do here.

Can you describe what USCIS is doing to proactively communicate the removal of previous public charge rule and, specifically, please share any community outreach strategy that you are deploying, which languages that you published information and if you have worked with local groups that have community trust to disseminate information.

Ms. JADDOU. Thank you for that question. It is something that has been raised in multiple stakeholder engagements that I have done in person across the country.

So, first of all, some of the things that we have done, first of all, is to ensure that, on our website, it is very clear we are not applying the 2019 public charge rule.

It is also very clear from social media that we try to do as much as possible, repeatedly reminding that it is not being applied.

We are also working with our federal partners who have these programs, as you mentioned one of them, SNAP benefits, so that they have the same information and can disseminate the information that we have to the people they work with directly, multiple federal agencies.

The one thing that I have gathered, as I think you have, is from our stakeholder engagements in the field is sometimes that information is still not getting through.

So I have asked, in my multiple—in the last several months that I have been out, is how can we partner with you to go to your engagements? You are the spokesperson. You have the trusted voice in the community. How can I partner with you; whether it is in person; whether it is virtually, me directly, our folks who are working in the field, showing up to your events where you are communicating that this is a federal official, from USCIS, and so that is something that we are working very closely with the stakeholder community on.

Ms. UNDERWOOD. Great. I would like to see that scaled up and perhaps you can communicate to the committee some specifics around that but also languages. It is very important that this information not be shared just in English and we have the expectation and I believe your agency has the resources to publish the public charge information in multiple languages. Okay.

Ms. JADDOU. We do.

Ms. UNDERWOOD. It is really important that we have a proactive plan to address, you know, this information in an accessible way and to counteract the lingering fear and misinformation that persists in our communities.

How could USCIS expand and improve this outreach with more resources and what specific resources do you need from Congress to do this?

Ms. JADDOU. So, of course, this budget—so our budget all along has primarily been fee funded, 97 percent.

So whenever we are asked to do anything that increases the need to spend money, certainly it means we have to find it somewhere within that fee paying population.

So what we are trying to do now is to say that our humanitarian mission has grown beyond an insignificant small portion of our budget. It is much larger and we are constantly having to shift our resources around.

So we can't always have available money to do the things that you are talking about. And so we are trying to change that so that we are a little bit more comfortable and not always robbing from Peter to pay Paul and then increasing our backlogs.

Ms. UNDERWOOD. Okay.

Ms. JADDOU. So that is the goal here.

Ms. UNDERWOOD. Well, I am really glad to hear that we have the same goal of an immigration system that aligns with America's morals and values but can it lead to really counter the harms done by the previous public charge rule. We have a lot of work left to do.

And I encourage USCIS to increase its efforts in this area and in the partnerships with trusted groups and I stand by the USCIS here in Congress.

And I yield back.

Ms. JADDOU. I appreciate it. Thank you.

Ms. ROYBAL-ALLARD. Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Madam Chair, and Ranking Member and thank you, Madam Secretary.

You know, one of the things that I always talk to the folks back home about is, you know, being a member of Congress is really about helping our constituents back home.

One of the pieces that is often overlooked, I think, by oddly enough by the folks back home, as the backlog at USCIS continues—has grown, back home I can tell you this is becoming a bigger and bigger portion of the casework that my district is working on.

Everything from employment authorizations to travel documents, all of them are taking longer. Not only are processing times taking longer but just getting communications back which used to be done, you know, very, very quickly.

And it is my understanding that the wait times to hear back on inquiries are long now, in some cases, actually taking over two months which seems almost impossible to me.

But I also understand that there has been some difficulties in getting in contact with people at the service centers where the phones just ring and—or you get a voicemail.

Can you give me an update on how—now I heard you say I think by the end of 2022 you expect what percentage to be filled?

Ms. JADDOU. So we—by the end of 2022 would would like to be 95 percent filled and by the end of fiscal year 2023 reach our cycle time goals.

Mr. RUTHERFORD. But that so in your new fee structure, are—historically the agency was about 97 percent, I understand 97 percent fee based.

But, clearly, that is not going to be possible with all of the refugee issues and all the humanitarian issues that are being forced upon us particularly if Title 42 is done away with.

Can you talk about the strain that that is going to put on your system as well and are you asking for more money from the taxpayer to cover USCIS now than fees?

Ms. JADDOU. So in many of the humanitarian programs that we participate in, there are other agencies that do similar work. For example, the State Department has a major role in refugee processing, health and human services as well, in unaccompanied children as well as refugee processing.

We have our part in refugee and asylum. But, unlike, for example, the State Department and HHS, we are primarily fee funded. They are not.

Mr. RUTHERFORD. Right.

Ms. JADDOU. And they have never been fee funded in that way.

So what we are trying to do is align ourselves with that so we can be better prepared to handle the mission and it is not just things like that we can plan for, which, you know, we can plan for a set number of refugees. We can plan for, you know, things like that that are—you can plan years in advance. Operation Allies Welcome showed up. We had to take care of that situation.

Mr. RUTHERFORD. Right.

Ms. JADDOU. Same thing with Ukraine. Completely unexpected.

Our process to obtain more funding is to go through an administrative procedures act rule-making process, which you can imagine is a very time-consuming process that is not agile enough to keep up with that type of humanitarian need.

Mr. RUTHERFORD. Right.

Ms. JADDOU. So we are asking for some help from Congress so that we could be more agile and prepared while we are doing it. We are meeting the need but at the cost and expense then of the people who are paying into it because we cannot quickly fund raise the amount—

Mr. RUTHERFORD. Right.

Ms. JADDOU [continuing]. We need to cover.

Mr. RUTHERFORD. Right.

Ms. JADDOU. So that is why I am so thankful for Operation Allies Welcome money.

Mr. RUTHERFORD. So looking at, you know, Title 42 is about the health of our country by excluding people that potentially had COVID-19.

I would suggest to you also that the Fentanyl that is coming across the border, the opioids that is coming across the border, because we have this open border policy is also a health hazard to our country and we need to be looking at that in the context of people that are going into the USCIS process and the funds are not there to assist those people are trying to do things legally and properly.

And, so, I would hope that, you know, you would be sharing that message as well as we try to fund you properly.

So, with that, Madam Chair, I see my time has run out and I yield back.

Ms. ROYBAL-ALLARD. Mr. Price.

Mr. PRICE. I thank you, Madam Chair, and welcome Director Jaddou. Thank you for your testimony and for your good work.

You know, I serve on three appropriations subcommittees and, I think it is fair to say, that of all the agencies covered across that spectrum, yours is the one that suffered most from the Trump administration.

I don't think it is exaggeration to say the Trump administration tried to destroy your agency, to shut you down. Stripping funding. Stripping personnel. And closing a majority of the field offices overseas that deal with your cases. Closing, I believe, 16 international field offices. That leaves seven in operation right now. That is likely one of the reasons for the backlog that you have described.

It is clear you are still fighting an uphill battle with staffing shortages and a fiscal crisis for the agency and the effects of COVID. I mean, your agency has really been through the ringer.

Despite all this adversity, we do count on you, especially now, for important work and I want to address a couple of aspects of that, giving you a chance to elaborate on earlier answers.

TPS, temporary protected status. The current issue of backlog clearly has that effect on your ability to deal with the TPS let alone new TPS populations which not are going to include tens of thousands of Ukrainians and people from Afghanistan. People who were recently added to the TPS list.

So what resources are you going to need to see this through, this escalation in TPS cases from places that we know we have to extend this to people who have been displaced by cruel conflicts?

And then what about those international field offices, those shuttered international field offices? It is not as easy, I know, as simply flipping a switch to get back this infrastructure that has been lost.

But what resources here, too, do you need from Congress to make this happen? What are your plans with regard to the international offices and what kinds of resources do those require?

Ms. JADDOU. So thank you. That is—you hit it right on the money.

When a crisis like Ukraine or Afghanistan happens and TPS is provided to protect people, it means that USCIS, all of a sudden, has to step up and create a process for a whole new set of people, sometimes tens of thousands of people, to be processed and obtain TPS and then work authorization in as swift of a manner as possible.

But we can't grow overnight to handle that. That is why we are trying our best now to fill our agency to the maximum extent possible so that when—with the ability to move and be agile to handle new emergencies that come in, like this, like the ones you mentioned.

So our effort to be able to be ready for something like that can't just be hiring. It can't just be more people. It is also thinking about how to leverage technology. Every day it improves and we are getting better and better at it.

Having online filing for TPS now, that is a big deal. From end to end, application to final decision, that is really, really important and helpful.

It is also really important for us to take a look at each of our processes and ask ourselves questions about why are we doing things that way we have been doing them for decades now?

So much has changed. Let us make sure that we are not unnecessarily creating bureaucracies and really thinking how most efficiently, but also securely, and ensuring that we are following the law all the way through, but most efficiently.

So those are a lot of the question that we are asking ourselves now.

With regard to international offices, our refugee and asylum and international offices division at USCIS is engaged in a study to determine where is the best place to reopen offices; how much that will cost us.

As you mentioned, we do have some offices that are currently open but we do believe there are more that need to be opened. We just need to make sure they are in the right places and ensure that we have the money to do so without, again, robbing from Peter to pay Paul.

Mr. PRICE. Thank you. I, of course, will be interested, as soon as that analysis is completed, would be very interested in what you concluded and what it requires.

Ms. JADDOU. Absolutely.

Mr. PRICE. Thank you, Madam Chair.

Ms. JADDOU. Thank you.

Ms. ROYBAL-ALLARD. Mr. Aguilar.

Mr. AGUILAR. Thank you, Madam Chair and Mr. Ranking Member and Director Jaddou.

I wanted to talk a little bit about DACA applications and the backlog.

In 2021, there was a significant backlog of DACA applications, in part, because of the reopening of the program.

Unfortunately, many DACA recipients experienced a lapse in status causing them to lose their jobs in fear of deportation.

In fiscal year 2023 requests, you are requesting a \$255.9 million for a backlog reduction. This builds on the investment Congress has made from fiscal years 2022 and additional authorities provided to USCIS through the fiscal year 2021 omnibus.

What is the current status of the DACA application backlogs and can you share how this increased backlog reduction funding will support DACA renewal in application and reduce application processing times?

Ms. JADDOU. So thank you. And you are right, exactly right. 2021 was not a good year for DACA given all the things you mentioned.

The good news is that we took a look at the process, the renewal process to ensure that we are doing it as efficiently as possible.

We were also taking a look at what were some of the reasons why people were getting to the end, their expiring period, and trying to determine what was slowing those types of cases down and how we can make improvements to ensure they don't get there.

We have implemented a lot of those things now and the good news is that most people are being, across the median, is now under 30 days processing time.

Now are some people still arriving and getting close to their expiring date? Yes. What we have found, however, is the very signifi-

cant majority of those cases that do get to that place is because they are not fuing on time.

And, so, we are asking people very, very publicly on our website, through social media, file between 120 and 150 days and you can be pretty safe that you will be processed in time today.

Mr. AGUILAR. Thank you. I appreciate that.

But the continued—the backlog, the queue, that has been, you know, cleared or so individuals who have, you know, discussed that, you know, it is being, you know, ironed out and so I understand what you are saying on a prospective perspective.

But, you know, folks who have been in the queue are being addressed in a timely way, you are convinced?

Ms. JADDOU. So, at the moment, if people timely file, we believe we can get through their cases on time.

But, of course, as you know, we have a large backlog in all of our areas. So you have probably seen that our employment authorization document backlog is quite large and it is actually our largest.

And that is a person's ability to put food on their table, to have a house and, frankly, during a labor shortage, to contribute to the overall economy.

So we have prioritized taking a look at how to improve through technology, through improvements in our operational processes, also taking a look at the length of time we provide employment authorization documents. In some cases, it was only for a year but the processing time is longer than that. So we said, well, let us extend it for two years.

So that helps us because it eliminates how many times we have to keep looking at those documents and it also helps the individual because they don't have to keep applying and paying the fee as often as they do.

We also, if you have seen, there is a regulation we are working on that was recently sent to the OMB for review which would take a look at auto extensions while we are in the phase of processing.

Mr. AGUILAR. Thank you. I appreciate that.

I wanted to ask one more question about aslyum and I know that you touched on this briefly.

As you know, Homeland Security and the Department of Justice recently announced a new rule that would expand the role of USCIS aslyum officers in adjudicating aslyum claims. The stated goal of the new rule is to reduce existing backlogs.

Can you share the steps that USCIS intends to take to ensure that there is due process with access to an attorney in this process and to make sure that we have the proper controls in place?

Ms. JADDOU. Absolutely. So there are many steps in the process that are laid out in the rule and currently, in the 60-day implementation period, we are getting ready as quickly as possible to develop the final materials and train all of the individuals on those materials and the steps in the process to ensure due process and that people have access to counsel, the time they have to get access to counsel.

I am happy to have our staff brief you on as we get closer and closer to the finalization of implementation, so that you can see how exactly we are going to ensure due process in that as well as,

of course, efficiency so that we can ensure that people who are eligible are granted quickly and those who not are denied quickly.

Mr. AGUILAR. Thanks so much. I appreciate it. I yield back, Madam Chair.

Ms. ROYBAL-ALLARD. I believe that completes the first round. So I have enough time for a second round.

Doctor, USCIS's financial crisis in 2020 was really a wake-up call when it was projected that the deficit would be \$602 million.

While the financial strains on that agency, at that time, could be partially attributed to the pandemic, there were also avoidable, detrimental policy and operational choices that were made by the prior administration as well as a pattern of year over year spending of that exceeded collections.

We have touched a little bit on how financially you are doing today, if you would care to elaborate a little bit on that?

But I am also interested in what actions you have taken to improve financial planning and discipline at USCIS.

Ms. JADDOU. Thank you so much. I should start by saying a lot of credit goes to our CFO for the incredible work that she was able to do to restabilize the agency.

We tightened our belts and we had a hiring freeze. We cut contracts. What did this all mean, though?

In addition to the pandemic posture we were in, and trying to learn how to conduct our mission in a pandemic, which many of our services do require in-person work with the public and amongst ourselves, we needed to do all that at the same time.

We have done pretty well but the result, of course, has been an increase in our processing times and our backlog.

But now that we are returning to normal receipts, we have taken a look at unnecessary bureaucratic steps that we could remove from processes so that we could go a little bit faster, that doesn't cost us a lot.

We are also relooking at some of those contracts that had to be cut. And, of course, we lifted the hiring freeze. But that hiring freeze meant that we got to a pretty high vacancy rate.

So that is why we are so focused now because we spent about a year without replacing attrition and it is so important now that we are able to replace all of that attrition, continued attrition and as well as growing to where we need to be because we are not just below where we needed to be years ago. We are also below where we need to be now and in the future.

So the good news is in the tightening of our belt, we were able to restore our carryover balance which is incredibly important. This is not an agency that can count on every year Congress paying the bills. We have to pay 97 percent of the bills, has been our history.

And, so, we need to have—I mean, I look at it as my own budget. I can either live check to check and then hope I don't lose my job or I can have a savings and, if I lose my job, it is okay. I can tide myself over.

And, so, that is as simple as it is and having a healthy savings account, a healthy carryover to tide us over when perhaps receipts are low or we have a big contract that has come due, that we have the money available and we don't have to potentially turn to fur-

lough because that is detrimental and not just for the moment. But for years. As I stated earlier, we are feeling the effects of it.

Ms. ROYBAL-ALLARD. Director, in the recent past, USCIS policies, regulations and operational changes have been implemented without robust analysis of the impacts on USCIS funding and operations.

This lack of analysis was a major contributing factor to USCIS's financial hardship in 2020. As you contemplated and implemented various reforms, how have you addressed the need for these kinds of analysis?

Ms. JADDOU. So we have working groups that think about how to make changes at USCIS; whether it is operations, policy, regulatory. And we invite our office of the CFO to participate in those.

But it is also something that I do regularly with the people who are developing policy in the agency to ask that question: how much is this going to cost us? And it is also my question to our CFO: can we afford this?

And, in any recommendation that any part of USCIS is making as, did you talk to the CFO? Ask them. Can we afford this? And what are we going to have to cut in order to afford this?

So always taking a step back and thinking about, just as you would with running your own household.

Ms. ROYBAL-ALLARD. Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you again, Madam Chair, for this hearing.

On March 24th, Doctor, USCIS issued a final asylum officer rule. The request asks for \$375 million to hire an additional 2,000 asylum officers to do work that immigration judges currently perform. The USCIS has caused existing funds to start—has used existing funds to start this work with about 200 asylum officers, but then we will need to hire a significant number of additional personnel.

My first question, please, is do you have concerns about replacing the current adjudication of asylum claims where ICE attorneys can offer evidence of a false claim with something that is non-adversarial in nature? Is it likely that more fraudulent claims could make it through the system?

Ms. JADDOU. So while at the moment until this rule is finalized we review asylum claims only in the affirmative case, that is background and experience we have and we are trained, very well trained. The training that our officers go through before they are adjudicating, begin adjudicating, along with supervisory support and training throughout, they know how to look for those things. This is not a program that is easy to run and certainly we have experience and we know we can do it well.

So what we are doing now is starting, phasing this program in, with existing money that we do have and we have identified for this purpose and so we are coming to you now to ask you for money so that we can grow that to a much greater extent because we do believe that this is the way forward where we have that experience, we know how to do affirmative asylum, we think we can do it well here too and we will do it for a smaller cost and faster than is currently done now.

And if I could just say that the progress with the immigration court has not been eliminated in this asylum officer rule. We are

just the first step. So what we are trying to do is look for those who are eligible and get them through the process faster and then for those who are not eligible, they would be denied.

Now, for those who are denied, the court is still there too. They have a process they are going to be reviewing as well. So this is a change in that we are trying to make the process go faster. Ensuring fairness and due process, at the same time be more efficient.

Mr. FLEISCHMANN. Understood. Then let me ask you a follow-up, if I may.

Generally, what percentage of migrants are determined to have credible fear by asylum officers and when those cases get to an immigration judge, what normally happens? What percentage, if you know, does the judge find a credible fear?

Ms. JADDOU. So are you talking—not under the asylum officer rule, the one that we are about to implement or the current?

Mr. FLEISCHMANN. Current process.

Ms. JADDOU. Current process? So I would have to get back to you specifically by country. I don't have those numbers directly with me so I am happy to get back with you on those numbers.

Mr. FLEISCHMANN. Okay.

Madam Chair, how much time do I have? I can't see the clock.

Ms. ROYBAL-ALLARD. You have a minute and 15 seconds.

Mr. FLEISCHMANN. Okay. Thank you. I will continue to ask then. Thank you.

Hiring has been a challenge at USCIS. How long do you estimate it will take to hire 2,000 asylum officers?

Ms. JADDOU. So if I can use our example of what we are aiming towards now, we are aiming to get to 3,500 hires by the end of this year, 2022. So if I can use that as an example, that will help us understand how long it will take to hire about 2,000.

Mr. FLEISCHMANN. Got you. Hypothetical, but if Congress declines to fund these additional officers, will you be able to execute the asylum office rule?

Ms. JADDOU. We would have to decide how much money is available at USCIS with our current funding through our fee paying population to determine what percentage we could afford to send over to the asylum officer rule.

Mr. FLEISCHMANN. I believe my time, Madam Chair, is about up.

Dr. Jaddou, thank you so much for your testimony today.

I yield back.

Ms. ROYBAL-ALLARD. Mr. Cuellar.

Mr. CUELLAR. Thank you, Madam Chair.

Director, I would like to follow up on what I was talking about a few minutes ago and just give you a little bit more context. I gave you the number of agents, Border Patrol agents, in the Laredo sector that are out in the Processing Centers and not in the field.

I just asked my friends down there in the Rio Grande Valley and it is about the same, 50 to 60 percent of the Border Patrol agents are in the processing centers and not out in the fields. So 40 to 50 percent are doing the Homeland Security job and the rest are dealing with that.

They are also, just to give you an idea, this is all matter of context. I have not even touched Title 42. That is a totally different thing. This is just the current situation. Just in the lower Rio

Grande area, my district, last week they dealt with 20 large groups just in one week and what they now classify as a large group is a group that has over 100 people in that group.

So they had 20 large groups of 100 plus and that doesn't include the other individuals. So just to give you that contents, and that is why I wanted to follow-up on the question that I asked you and if you don't have the answer, you can follow-up. The joint migrant processing centers, we want to work with you.

We are hoping, as the chairwoman, we feel that this, by doing a one-stop center, Doctor, you said working with CDPIs in your office, we can hopefully move that more efficiently and provide due process, et cetera, et cetera, et cetera.

So I would like to see what your plans are. Do you have that, number one, and number two, I would like to follow-up with Representative Fleischmann said also. I had asked this. You know, for immigration judges, there are 1.6 million cases backlogged. The average time is about 875 days.

Texas has the largest number of backlogs of any other state and if 100 people go before an immigration judge, usually, and every case is different, 90 to 88 percent are going to be rejected on the asylum cases. So I want to know the same type of figures on your asylum folks as to, number one, what is the backlog and I just gave you the contents of just my part of the area and my district.

Number two, if some go before a asylum officer, if you have 100 people, how many will be rejected? How many will be accepted?

And I know every case is different. I understand that, but I would like to, you know, look—I like to look at numbers where immigration judges are at and where asylum officers are at to address due process and whoever is supposed to stay here, I say bienvenidos, or whatever the language might be. But are the ones that are not accepted or credible fear is not established, then we have to enforce the law and say goodbye to them.

So if you don't have those figures, I would like to have those figures. Share with me and the rest of the committee if you don't mind, and your plans for the joint migrant processing centers too.

Ms. JADDOU. Yeah, and we are happy to do that and share them with your staff and with you. Certainly on the joint migrant processing centers, we are working together with our partners are CBP and ICE on how we would create these programs.

What our part would be, we all play a role, the three of us. We are in it together, and so what I can do is take back the request to get a briefing so that we can talk together. I wouldn't want to just talk about my part without them in the room as well. So let's plan for that.

And then secondly with regard to the data, clearly this is part of phasing this in is to learn, you know, what are those numbers going to be. We have experience in the affirmative asylum, but that is different. It is a different population sometimes and so it is somewhat apples and oranges, but also some similarities.

So we will see what the numbers will look like and that is the phased-in approach and we are going to study it along the way. It also depends, since we are going to phase it in. We are not going to be able to apply it immediately to everybody.

So depending on where we apply it, the location, the groups of people that we are applying it to, it will have different results depending on who the population is that is coming to you. So more to come for sure and we are happy to share that with you.

Mr. CUELLAR. Thank you. Thank you, so much.

Ms. ROYBAL-ALLARD. Mrs. Hinson.

Mrs. HINSON. Thank you, Madam Chair.

And again, thanks Director for sticking with us through this hearing for a second round. I appreciate it. And I want to kind of follow-up on some of the areas that my colleagues have already talked about in terms of the asylum officers with the plans to transition away from relying on the immigration judge to these asylum officers in the credible fear cases and giving them the authority, obviously, to make the decisions on who is eligible to remain in the country.

So my question is kind of a follow-up on the training side. When we talk about an immigration judge and their training versus the asylum officers, what training do they have that can allow them to accurately determine the credible fear claim compared to what an immigration judge is currently doing?

Ms. JADDOU. So that is something that we are training on. Actually, we are going to have a training in a few weeks to get all of the new folks who have come on for this rule very specifically now that it is been finalized, exactly what the rule's requirements are.

We are leaning, of course, on the things we already do know about similar things that we do at USCIS as well as information that we have from the immigration courts. So it is a holistic approach. We are taking a look at the way things are done, but also recognizing this is a new process so there are going to be some new things that we are establishing.

And I like to say we have hired the best of the best and we have put our best on this new program to make sure that we can do it as well as we possibly can from the get-go and then just continue to build on it, and continue to train. We are going to—nothing is perfect in the beginning, so we will work it out and of course we will be happy to share with you as this goes on and gets phased in more and more how this will work and I am hopeful that we are going to be successful in the beginning. We have a really great group of people, a lot of people focused on getting it right first round and being trained properly.

Mrs. HINSON. Okay. I would just ask you, continue to follow-up with our office. If you could maybe even—

Ms. JADDOU. Absolutely.

Mrs. HINSON [continuing]. Come up with some examples of cases where these asylum officers with this new training, this new role, have been able to flag some of those not qualified credible fear claims just so we have an idea of what that threshold actually is in implementation that would be great.

And then just a quick question to you about—obviously we have got a huge influence right now with cartels, human smugglers, bad actors, at our southern border and we know they are coaching people on what to say when they are coming across the border.

So what are you doing to counter those efforts by, again, those bad actors, to coach illegals on what to say to try to get that credible fear claim?

Ms. JADDOU. So our officers are trained to look for that and what we are doing with this asylum officer rule is the collection of information right in the beginning with the credible fear part of this and from there it includes a thorough interview. So it is not just a paper form that is not going to be questioning the veracity of the statements made.

And also the individual; establishing a rapport and ensuring that the person is legitimately stating a story that can be verified and that is exactly how we are training our officers to ensure that they look for the right things in the individual, but as well as the evidence that needs to be provided to prove what it is the person is stating.

This is not a 2-minute type of thing. This is something that will take some time to establish that rapport, ask all the right questions and document it. And our officers do that. They do that in the refugee context. They are very good at it. So we have ways to do this in different contexts that are quite similar.

I am confident in our workforce and again, we did hire a lot of experienced people from the Refugee and Asylum International Offices Division here at USCIS to come onto these new roles specifically for that reason, because they have a background and they are launching into a new program. So it is those skills we need to be able to then craft and into this new program.

Mrs. HINSON. And just a quick follow-up on what Congressman Cuellar just mentioned about the backlog and how long it is taking, 875 days. It is a significant amount of time obviously and I would be interested also, you know, when we hear about the number of cases that are denied at that point. Are people showing up to those hearings? I think that is the biggest concern I have too.

If it is that long of a time frame, where are they going in that time frame while they are waiting for that hearing to happen and then is that follow-up actually happening on that side?

So if you could follow-up with that information for us, I would certainly appreciate it. Okay.

Ms. JADDOU. Will do.

Mrs. HINSON. Okay.

Thank you, Madam Chair. I yield back.

Ms. ROYBAL-ALLARD. Mr. Ruppertsberger.

Mr. RUPPERSBERGER. Yes, Madam Chair.

Director, glad to see you. I think the first time, and you have a big challenge and we are here to help.

First thing, I was recently made aware of your decision to prioritize new processing or what you called cycle time goals for key USCIS immigration forums. I do understand that COVID is causing delays and we have seen this across the entire bureaucracy.

However, my district caseworkers have informed me about the unacceptable wait time my constituents are facing. For this reason, I am very pleased to hear that you are taking this matter seriously.

My questions for you are how far along are you in establishing the guideline, how quickly can we expect to see these improvements, and what can Congress do to help?

Ms. JADDOU. Thank you so much. Even when I was going through my confirmation hearing last summer, I saw this as the number one priority in terms of what USCIS was facing and I see this as the top priority for a director at this time. So I couldn't agree with you that we need to tackle this.

So from the very beginning when I got here last August, I started with bringing someone directly into my office whose sole goal is to think about we can improve, make more efficient, our operations, consider policies that are outdated and really are just creating unnecessary barriers to think about regulations that perhaps we could propose to make things a little more smoothly and—go a little more smoothly and efficiently.

So we have already done taken several of those steps, but boy those were the low-hanging fruit. There is a lot to go, but there is also, as I have mentioned, is hiring. We had a hiring freeze and we are very low staffed at this point. There just simply aren't enough people to do the work that is in front of us. So we need more people.

We need to think very—work smarter not harder. That is really important. We need to institute even more technology which we are heavily focused on. So those are the multiple steps that we are taking now and that is why we are here, frankly.

It is one of the reasons, not all of the reasons, but one of the reasons why we have a hard time staying focused on those goals, those cycle time goals, is in the middle of trying to run towards that very important goal, we have incoming emergencies.

Operation Allies Welcome, Ukraine, oh, we need to assist with the latest crisis with regard to the whole of federal government. There could be an emergency in California. We are part of the Department of Homeland Security. We volunteer to help. We are all in this together.

So there is just a lot that comes at us and we want to stay focused. And to the extent that we can have funding that supports our humanitarian mission, that underlying basis of our funding as well as the ability to be agile and shift funding around when new emergencies arise, that is going to be crucial and that is why this budget request is there.

It recognizes that. It recognizes the growing humanitarian mission that I think the entire nation supports. So we don't think that it is sustainable to continue to go through fee rules, lengthy fee rule processes, and then charge our fee-paying customers so much more now that it is growing so large.

Mr. RUPPERSBERGER How about the issue of time? How much longer do you think—

Ms. JADDOU. Oh. So—

Mr. RUPPERSBERGER [continuing]. You—

Ms. JADDOU [continuing]. The time? So our goal, our cycle time goals, are to be achieved, this is our ultimate goal, by the end of fiscal year 2023. Obviously, we will see improvement along the way, but the established goals of 6 months for some of our major forms and then 3 months, for example a work authorization, will

be by the end of fiscal year 2023 and along the way you are going to see improvements until we get there.

Mr. RUPPERSBERGER. [Inaudible.] Another round.

Ms. JADDOU. You are muted, Madam Chair.

Ms. ROYBAL-ALLARD. Sorry. Yes, I am going to open it up after Ms. Underwood for any additional questions that someone may have, so you will have an opportunity.

So Ms. Underwood.

Ms. UNDERWOOD. Thank you, Madam Chair.

I wanted to follow-up on a topic that many of my colleagues have already mentioned. Director Jaddou, you inherited a work visa backlog of historic levels that was exacerbated by the pandemic, hiring freezes, and poor administration. We simply cannot sustain a backlog of 8.5 million cases that continues to grow nor can we ask people to wait over 10 months for their request to be adjudicated.

I have heard from countless constituents whose lives have been put on hold because of these backlogs. One instance I am thinking about is a constituent who was applying for an employment authorization document. Because of the delays in processing his application, his drivers license expired so while he benefitted from the automatic 180-day extension for his employment authorization, he could not drive to the appointments necessary to keep his job.

Director Jaddou, what is USCIS doing to help applicants deal with the unintended economic and personal consequences of a backlog exceeding the 180-day extension timeline and what recommendations do you have for my casework staff and I to better help our constituents work through these challenges?

Ms. JADDOU. Yeah, I couldn't agree with you more on work authorization especially because it is the ability to work and—

Ms. UNDERWOOD. Absolutely.

Ms. JADDOU. Yeah, absolutely. And it is not just for the individual. It is for the community, it is for the larger economy. So I am saying there is a tremendous priority and focus on our backlog, but inside that backlog is particularly work authorization.

So if I could just point out that in January of 2017 there were 1.5 million cases in the backlog, so those beyond our processing goals, our cycle time goals, in total across the agency. That alone is what is pending in the employment authorization queue now.

Ms. UNDERWOOD. Right.

Ms. JADDOU. So it is a huge issue. So a few things. One, we have been looking at how to extend periods of authorization so that people don't have to keep coming back to us so that lessens the number of cases coming in. It also gives people more time and saves them that additional fee they have to pay for that year.

We have also extended in some cases. We have also looked at technological improvements that would allow people to file online and completely do the electronic processing which is a savings of time for the individual and for us as we process.

We are also looking at are there processes in place in the employment authorization particularly in renewals which is a lot of cases in our backlog, how to take out some things that don't really need to be there that are just creating extra steps for no reason. So that is another space.

We have also been working on a regulation with regard to an auto-extension when we are backlogged as we are. So those are some of the steps, but we are constantly thinking. Every possibility; policy, operational, regulatory. What can we do to not only get rid of the backlogs we have, but also ensure a future where we don't get there again.

Ms. UNDERWOOD. Yes, ma'am. And also designing processes recognizing that this is just an initiation of a domino effect and so when USCIS gets it wrong, or its delayed, or there is some kind of impediment, there are real-life consequences for folks and then they call us and we are having a hard time, quite frankly, getting updates as well and so it is just extremely challenging.

And so as you can emphasize with your teams the need for efficiency and recognizing the significance of this effort for the lives of our neighbors and colleagues, you know what I mean, and this is important for our economy that we get it right.

Okay. My next question is in your testimony you mentioned your plan to implement end-to-end electronic filing, processing payment, and case management. Can you elaborate on the advancements that USCIS has made in the automation of these processes and how it affects the processing backlog?

Ms. JADDOU. Yeah. So a few things. Few points here. Almost 85 percent of what we process is processed online, and when I say that, it is we are processing it that way. So that helps us because you can move work around more efficiently and there are just so many efficiencies through that.

Ms. UNDERWOOD. Uh-huh.

Ms. JADDOU. Even if a paper application comes in, we are digitizing it, getting it online and processing it online because that is more efficient than a paper moving around our agency. We have also, it took us a long time, but we have gotten to credit card payments. So that is very good. We also have a lot of forms that are available for online filing. The 821, the 821 visa. It is TPS, DACA, family-based petitions, the naturalization application, extensions of status, changes of status, things like that. So we are moving through that process to try to bring more and more forms online.

That is going to be critical to this effort and in the meantime we are coming up with, like I just mentioned, when a paper comes in, it is an extra step, but digitizing it actually saves us even more even if it is having to take that extra step rather than being able to just online file because that is a process that takes a little bit more time to develop.

Ms. UNDERWOOD. Well, thank you so much.

I yield back.

Ms. ROYBAL-ALLARD. Mr. Ruppertsberger.

Mr. RUPPERSBERGER. Okay. Thank you.

Okay. Can you hear me?

Ms. ROYBAL-ALLARD. Yes.

Mr. RUPPERSBERGER. Okay. Yeah.

Director, your recent announcement to release 35,000 supplemental visas exercising the authority Congress granted to you in the fiscal year 2022 omnibus was welcomed news to the many seasonal businesses across the country who are facing dire labor shortages, especially the seafood industry in Maryland. We all love our

crabs and oysters by the way, and who pick the finest crabs in the world.

Last year we were [indiscernible]. That 22,000 additional H2B visas were released to supplement the second half cap allocation for fiscal year 2021. Unfortunately, the rule wasn't published until late May due to the time it took to process the petitions, allocate the additional visas, and then bring the workers into the country. Many H2B workers were not on the employer's payroll until the end of the Fourth of July.

Now, the recent filings with the DOL for the second half of fiscal year clearly show there will be significant workforce interruptions of additional relief if cap relief does not materialize soon and this coupled with a record low unemployment illustrated the urgent need for these workers.

Now, my question. Can you please shed light on the timing of publishing a temporary final rule implementing your decision to release the additional 35,000 visas to ensure these employers currently in a labor crisis receive their workers as close to the date of the need as possible?

And I do recognize that the TFR is in its drafting stage and you may not be able to offer specific details, but I do need assurances you are working on that and we are going to complete it.

Ms. JADDOU. Absolutely working on it. The announcement that was made by the Department of Homeland Security, that was made with the thought that we were very clearly working on it and moving in that direction. We are working as quickly as possible.

I will note it is a regulatory process despite the fact it is a temporary final rule, so a much faster process than the regulatory process.

But as the former chief counsel to this agency, regulatory processes are very slow, even the most efficient of processes. So certainly I would welcome in the future changes in law that would allow us to move more swiftly, in a more agile way. I know we have offered technical assistance in the past to try to better streamline the process when these decisions are made to be able to get them out faster in a more streamlined way.

Mr. RUPPERSBERGER. Well, I am all for that for government and I am sure this committee would also be for it, so if you have any recommendations, let us know.

Ms. JADDOU. Happy to. Thank you, so much.

Ms. ROYBAL-ALLARD. May you yield back, Mr. Ruppensberger?

Mr. RUPPERSBERGER. Yield back.

Ms. ROYBAL-ALLARD. Say it again.

Mr. RUPPERSBERGER. Yeah, I yield back.

Ms. ROYBAL-ALLARD. Mr. Fleischmann, do you have any additional questions?

Mr. FLEISCHMANN. Madam Chair, no thank you.

And Doctor, thank you for your testimony before us today. I yield back. Thank you.

Ms. ROYBAL-ALLARD. If there are no more questions, I will conclude today's hearing.

Director Jaddou, thank you very much for your time and for helping us think through the many challenges that you have. The Subcommittee on Homeland Security stands adjourned. [Answers to submitted questions follow:]

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE ASHLEY HINSON (IA-01)
Ur M. Jaddou, Director, United States Citizenship and
Immigration Services

Committee on Appropriations

Subcommittee on Homeland Security

United States Citizenship and Immigration Services FY23 Budget

Request Hearing

April 6, 2022

Subject

Background: We have a tremendous workforce shortage right now, which is hurting American businesses and impeding economic growth. This is having a particularly noticeable impact on rural communities across Iowa. At the same time, we have hundreds of thousands of skilled workers in this country legally who are stuck in bureaucratic backlogs. This means they can't access the visas that Congress has already allocated under the law, and employers are facing frequent workforce disruptions.

Question:

- What is the agency doing to address what seems to be a growing backlog in processing applications, so employers can have the workers they need?

Answer:

Use of Appropriated Funds

USCIS is using \$275 million of appropriated funds from Congress to support application processing to include the reduction of existing backlogs across the agency and to support the refugee program. USCIS is focusing efforts on both short- and long-term solutions to assist in its backlog reduction efforts. To start, USCIS has relied heavily on overtime hours to increase processing capacity and will continue to do so while simultaneously hiring over 4,000 staff this calendar year to support these efforts. As an example of these efforts, pending N-400 naturalization applications, which topped 1 million in January 2021, are now down

to about 700,000 today. While USCIS still has a long way to go, this shows a steady improvement in case processing.

Concurrently, new investments in information technology will improve processing workflows, allowing USCIS to redistribute workloads efficiently based on available capacity across the country.

Prioritization of Hiring Efforts

USCIS is working diligently to fill 95 percent of authorized positions by the end of calendar year 2022. As of 6/14/2022 there are over 4,000 recruit actions in the USCIS hiring pipeline, which can generate multiple selections. We received Direct Hire Authority from the Office of Personnel Management (OPM) to recruit and hire more candidates more quickly. Our recruitment team is expanding partnerships and enhancing communication with various social media outlets, colleges and universities, veteran groups, and other associations to encourage qualified candidates to apply. USCIS has surged resources to process hiring actions and prioritize security processes for new hires. Finally, we are using a new tool to track, measure, and provide essential data to monitor our hiring process and inform process improvements.

Establishment of New Cycle Time Goals

USCIS is working to reduce the time it takes to process a case to sharpen our focus on backlogs and improve overall times. USCIS is implementing efficiency measures, improving technology, and expanding staffing to achieve these new goals by the end of FY 2023. USCIS' backlog reduction goals are publicly available at the following link: <https://www.uscis.gov/newsroom/news-releases/uscis-announces-new-actions-to-reduce-backlogs-expand-premium-processing-and-provide-relief-to-work>.

Improving Access to Employment Authorization Documents

On May 4, 2022, the Department of Homeland Security published a [Temporary Final Rule](#) (TFR), effective immediately, that increases the automatic extension period for employment authorization and Employment Authorization Documents (EADs), available to [certain EAD renewal applicants](#), to up to 540 days. The increase will help avoid gaps in employment for qualifying noncitizens with pending EAD renewal applications and stabilize the continuity of operations for U.S. employers. In recent months, USCIS also began streamlining many EAD processes, including extending validity periods for certain EADs and providing expedited work authorization renewals for healthcare and childcare workers. The

TFR aims to build on this progress, ensuring certain individuals will not lose their work authorization status while their applications are pending.

Continued Expedited Processing of Certain I-129 Petitions for Nonimmigrant Workers

USCIS recognizes the importance of agricultural workers in ensuring that Americans have access to nutritious fruits, vegetables, and other agricultural products. As a rule, USCIS ensures expedited processing, with a goal of completing these cases within 15 days of receipt, are provided to employers of H-2A agricultural nonimmigrant workers filing Form I-129, Petition for a Nonimmigrant Worker.

Maximizing use of Employment-based Immigrant Visas

There are 280,000 available employment-based immigrant visas in fiscal year 2022, approximately double the typical number. Processing this workload is shared between USCIS and the U.S. Department of State. For the greater portion that is handled by USCIS, the agency has taken several measures to help ensure full utilization of available visa numbers. These measures include:

- Prioritizing processing of Form I-140, Immigrant Petition for Alien Workers, for beneficiaries who currently have a visa available according to the U.S. Department of State Visa Bulletin;
- Providing a streamlined mechanism to transfer the underlying basis of an I-485, Application to Register Permanent Residence or Adjust Status, if an individual has multiple I-140s approved, including active public messaging about this process;
- Messaging to the public that expeditious responses to USCIS' Requests for Evidence, especially for the Form I-693, Report of Medical Examination and Vaccination Record, may help to process individual I-485s this year; and
- Transferring the majority of I-485 applications with an approved I-140 from our Service Center Operations Directorate to our Field Operations Directorate, which has trained officers to adjudicate these cases.

Premium Processing Expansion

On March 30, 2022, the Department of Homeland Security published a final rule that aligns premium processing regulations with the Emergency Stopgap USCIS Stabilization Act. The rule codifies premium processing fees and adjudication timeframes provided by Congress and expands the categories of forms ultimately eligible for premium processing services beyond the Form I-129 and previously existing classifications under the Form I-140, to include the Form I-539,

Application to Extend/Change Nonimmigrant Status; Form I-765, Application for Employment Authorization; and additional classifications under Form I-140.

USCIS has begun implementing, through a phased approach, premium processing availability of Form I-539, Form I-765, and additional classifications under Form I-140 in fiscal year 2022. USCIS will adhere to the congressional requirement that the expansion of premium processing must not cause an increase in processing times for regular immigration benefit requests.

Expansion of Intake Capabilities

USCIS is directing applicants to mail selected forms to the new lockbox facility in Elgin, Illinois. This new processing location was opened to expand intake capabilities, increase intake efficiency, and reduce the risk of a front-log (that is, a delay in the initial processing of forms as they are received).

WEDNESDAY, APRIL 6, 2022.

**U.S. DEPARTMENT OF HOMELAND SECURITY, OFFICE
OF INSPECTOR GENERAL**

WITNESS

**JOSEPH V. CUFFARI, INSPECTOR GENERAL, U.S. DEPARTMENT OF
HOMELAND SECURITY**

Ms. ROYBAL-ALLARD. The Subcommittee on Homeland Security will come to order.

As this hearing is being conducted virtually, we must address a few housekeeping matters. During today's virtual hearing, members are responsible for muting and unmuting themselves. When you are recognized to speak, if I notice that you have not unmuted yourself, I will ask you if you would like the staff to unmute you. If you indicate approval by nodding, staff will unmute your microphone.

To avoid inadvertent background noise, the Chair, or staff designated by the Chair, may mute participant microphones when they are not recognized to speak.

If there is a technology issue during a member's speaking time, we will move to the next member until the issue is resolved and you will retain the balance of your time.

We will be following the 5-minute rule. With one minute in your time, the clock will turn to yellow. When your time has expired, the clock will turn to red, and it will be time to recognize the next member.

We will follow the speaking order set forth in the House rules, beginning with the Chair and ranking member, followed by members present at the time the hearing is called to order in order of seniority, and we will alternate by party. Next, we will go to the members who were not present when the hearing was called to order, until every member present has had a first round.

Members can submit information in writing at any of our hearings or markups using the email address provided in advance to your staff.

Let's begin.

Today, we welcome Joseph Cuffari, the Inspector General for the Department of Homeland Security, who is here to present the OIG's fiscal year 2023 budget request, and discuss the office's operational priorities. Thank you for being here this afternoon.

As the Inspector General for the Department of Homeland Security, you have been entrusted with an incredible responsibility, requiring the utmost in integrity, independence, and impartiality. The American public relies upon you to conduct independent and objective audits, and investigations relating to D.H.S. programs and operations, prevent and detect waste, fraud, and abuse, and

promote efficiency and effectiveness, and to keep the DHS secretary and Congress informed about problems and deficiencies, and the need for and progress of corrective action.

Your task is not easy, especially given the complexities of DHS missions, the political controversies surrounding some of DHS operations, particularly in the immigration enforcement area, and the evolving threat landscape, requiring DHS preparedness and response from hurricanes and wildfires, to domestic terrorism and cybersecurity attacks.

To complicate matters, the DHS Office of Inspector General has received a considerable amount of criticism and scrutiny over the past decade. A GAO report last year found that since—and this is a quote. “Since fiscal year 2015, the Department of Homeland Security Office of Inspector General has not adhered to a number of professional standards for federal OIGs and key practices for effective management.”

In that report, GAO made 21 recommendations to address management and operational weaknesses related to performance management, quality assurance, reporting timeliness, and coordination with DHS, among others. Your office concurred with each of them.

Earlier this year, we learned that a former IG pleaded guilty to theft of proprietary software and sensitive databases from the U.S. government. And another former IG has been accused of watering down reports related to FEMA disaster response.

In your response to questions for the record from an April 2021 hearing before the Committee on Homeland Security, you alerted Congress to an investigation being conducted by the Integrity Committee of the Council of Inspector Generals on integrity and efficiency.

That investigation is not a focus of this hearing. Instead, this hearing’s purpose is to discuss your office’s current operations and priorities, how you use your resources and your progress in addressing long-standing challenges facing the OIG.

I look forward to a good discussion between you and the members of this subcommittee. I know would like to turn to the distinguished gentleman from Tennessee, Ranking Member Fleischmann, for his opening remarks.

Mr. FLEISCHMANN. Thank you, Madam Chairwoman. Chairwoman Roybal, I want to thank you for this hearing and the hearing earlier today. We are in appropriations season, and for all involved on the call, I sincerely look forward to working with you and yours as we move forward this year.

Welcome, Inspector General Cuffari, and I thank you for joining us today as we examine the Office of Inspector General’s initiatives and investments proposed for the coming fiscal year.

First, I want to sincerely thank you and your team for the work the OIG does. It was good to visit with you last week. Please pass on our thanks to your workforce for their efforts.

Independent oversight helps shine a bright light on areas for improvement and efficiency. However, recent dysfunction within the Office of Inspector General has been a worrisome distraction from the vital oversight work of your office. My fervent hope is that we can quickly resolve outstanding issues and allegations so that you

and your team can put all of your energy into ensuring that all components at DHS follow their own policies and the law.

During the early days of the COVID-19 pandemic, billions of dollars were appropriated for the grant programs administered by the Federal Emergency Management Agency. The goal was to ease the economic burden on people, who were struggling with lost wages and mitigate the worst impacts of job losses due to closures and lockdowns.

Limited guardrails and safeguards in some of those programs enabled people with malicious intent to take advantage of massive sums spent to address the crisis. Sadly, several investigations are under way that involve stolen identity fraud schemes with the aim to steal money from taxpayers and those with legitimate needs, only to criminally enrich themselves.

Those engaged in fraud must be held accountable for stealing from those who are in legitimate need of this assistance. I hope that your work continues to create powerful disincentives to those who wish to commit such fraud in the future. More broadly, OIG's office has been instrumental in investigating alleged fraud in the United States' refugee programs, and pointing out the weaknesses and susceptibility for fraud in other programs.

But one of the most important jobs the OIG has is ensuring that the department adheres to its own policies, be that detention conditions, management and contracting conditions, or component financial controls.

Record growth in the funding for the Department of Homeland Security means that there are more opportunities for a few bad actors to engage in fraud, and waste, and abuse. Every dollar wasted is a dollar that isn't being used to strengthen our borders, process trade shipments, empower our economy, or defend against the next cyber attack.

We know that most DHS employees uphold the values and ideals of the department, so audits and investigations by the OIG are also opportunities to showcase what is working well. I look forward to your testimony, sir, on OIG's fiscal 2023 requirements that will enable us to further work—further the work that you have begun.

Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Inspector General Cuffari, we will submit the full text of your official statement for the hearing record. Please begin your opening statement, which I would ask you keep to 5 minutes.

Mr. CUFFARI. Thank you, Madam Chair.

Chairwoman Roybal-Allard, Ranking Member Fleischmann, members of the subcommittee, thank you for inviting me to testify about the DHS IG's fiscal year 2023 budget. I am very proud to lead more than 750 professional career or civil servants, who provide independent oversight of the third largest cabinet agency. The successful performance of our mission requires employees with integrity, dedication, and a broad range of expertise.

I am grateful for this subcommittee's support. Since my confirmation in July 2019, I have prioritized improving the efficiency and effectiveness of OIG operations. I reorganized our structure to better align our mission. I created dedicated offices for integrity

and innovation, and expanded our use of data analytics. We followed GAO's model practices to implement these changes.

In July of last year, we finalized the comprehensive 5-year strategic plan. I'm pleased to report that our federal employee viewpoint scores that correspond with my tenure have shown significant improvement in every category, especially employee engagement.

My staff's improved morale is reflected in our work. Fiscal year 2021, we issued 73 audits and inspection reports. So far in 2022, we have issued 35 reports and have nearly 90 ongoing reviews. I also committed significant resources to our Office of Investigations, with an increased focus on high impact cases, we have about 900 ongoing criminal cases that amount to hundreds of millions of dollars in potential fraud loss.

In early 2020, we developed and implemented an innovative virtual protocol, continued our unannounced inspections of ICE detention facilities despite the pandemic. We returned to in-person inspections in 2021.

These unannounced inspections provided the department with important information about how to improve detention conditions. Since fiscal year 2020, we have conducted nine unannounced inspection of ICE detention facilities. We have made 12 recommendations during that time to improve health care, medical care.

Again, thank you for the continued bipartisan support from this subcommittee, which has enabled us to work with medical experts to further enhance our oversight work.

We have also broadly addressed long-standing detention issues. We published for the first time ever at DHS IG, a 5-year review of segregation and detention. And we launched an audit across all DHS detention facilities regarding the approval process for invasive surgical procedures.

We have provided significant oversight at the Department's response to the COVID-19 pandemic. The Department has been authorized to expend nearly \$100 billion on the various pandemic-related authorities. Recognizing the magnitude of this pandemic response funding, in 2020, I created the dedicated COVID Fraud Unit.

We have received more than 7,000 COVID fraud complaints. We have initiated nearly 270 COVID criminal investigations. These have resulted in 17 indictments, 11 convictions, and nearly \$2 million in fines and restitution. According to the Department, cybersecurity has become the most dramatic threat to the homeland.

We are uniquely positioned to target oversight, ensure DHS systems are secure, and help detect and deter attacks like solar winds. I prioritized and enhanced our cybersecurity oversight. Fiscal year 2021, we issued nine reports with 37 recommendations to improve the Department's cybersecurity posture. Currently, we have 11 ongoing cybersecurity audits.

Thank you again for this subcommittee's continued support for our mission.

I have been impressed by the expertise and support of your entire staff. In particular, I thank Bob Joachim and Paul Anstine for their coordination in advance of this hearing.

Madam Chairwoman, this concludes my testimony. I am happy to answer any questions you or the other members may have.
[The information follows:]

OFFICE OF INSPECTOR GENERAL

**Testimony of Inspector General,
Dr. Joseph V. Cuffari**

**Before the Subcommittee on Homeland
Security,**

Committee on Appropriations

United States House of Representatives

“FY 2023 Budget Request”



**Homeland
Security**

**April 6, 2022
1:30 PM**



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Department of Homeland Security

Chairwoman Roybal-Allard, Ranking Member Fleischmann, and Members of the Subcommittee:

Thank you for the opportunity to discuss the Department of Homeland Security (DHS), Office of Inspector General's (OIG) critical oversight of the Department and our efforts to promote excellence, integrity, and accountability within DHS while continuing to build trust with our stakeholders and the public.

OIG conducts independent audits, inspections, and investigations to ensure integrity in DHS's operations and programs. Our work and the information we provide to DHS and Congress is designed to continually improve DHS's operations and programs and ensure robust stewardship of taxpayer dollars.

We leverage our small but highly capable staff¹ to provide necessary oversight of the third-largest Cabinet agency—an agency with more than 250,000 Federal employees, thousands of contractors, and a complex, evolving mission. The successful performance of OIG's oversight mission requires a broad range of expertise, flexibility, and the capacity to anticipate and plan for future needs.² Our success is reflected in our work: in FY 2021, we issued 73 audit and inspection reports, and to date in FY 2022, we have issued 35 reports and have nearly 100 ongoing reviews.

Congress's support has directly enhanced our ability to promote accountability and deter fraud against the Department and its programs. For FY 2023, we submitted a funding request of \$222 million, which is \$8.9 million over the FY 2023 President's Budget level. This increase is necessary to maintain oversight capacity commensurate with the Department's significant program growth in several high-risk areas.

My testimony will focus on our oversight in these high-risk areas — border security and immigration, COVID-19 disaster response efforts, and emerging cybersecurity threats — in addition to the organizational transformation effort we have undertaken to address new and emerging threats to the Department.

ORGANIZATIONAL TRANSFORMATION

In FY 2020, I directed my staff to undertake a review of our organizational structure to ensure programs and offices were properly aligned to allow for maximum efficiency and effectiveness in conducting OIG's mission. Likewise, in FY 2021, the General Accounting Office (GAO) found numerous areas for strategic, policy, and organizational improvement at DHS OIG. I have embraced GAO's recommendations, and I have been working closely with top GAO leadership to implement its twenty-one recommendations for our office.

As part of our organizational transformation, we followed GAO's key principles and implementation steps identified in GAO-03-669, *Results-Oriented Cultures: Implementation Steps to Assist Mergers and Organizational Transformations*. In April 2021, I reorganized our

¹ DHS OIG to DHS full-time equivalent (FTE) ratio at the end of FY 2021 was 1 to 310.

² DHS's FY 2022 Total Gross Discretionary Budget is \$80.5B.



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structure, based on recommendations from senior leaders and based on conversations with staff at all levels. I created the Office of Innovation to chart our [spacing]strategic direction and improve our operational performance. Additionally, the Office of Innovation evaluates all internal and external risk management activities and determines how best to coordinate OIG's risk-related resources.

I created the Office of Integrity (OI) to promote organizational integrity through independent reviews of OIG programs and operations. OI's role is to provide agency senior leadership with an independent assessment of programmatic compliance with OIG policies and procedures.

In July 2021, we finalized a comprehensive [Strategic Plan](#) (the Plan) covering fiscal years 2022–2026. Based on the Plan, we completed our fiscal year 2022 Annual Performance Plan (FY22 APP) which includes specific strategies and performance indicators to drive change and measure success. We continue to modernize and integrate OIG's business systems and automate manual processes. To that end, we contracted with the MITRE Corporation, a federally funded research and development center. In coordination with MITRE, OIG established an Integrated Project Team, conducted numerous interviews and working group sessions with employees, as well as assessed the capabilities and inadequacies of our existing legacy systems. Through these efforts, we have effectively defined our current ("as-is") business processes and established a roadmap with options and alternatives for our future ("to-be") systems and processes.

Through diligent analysis, planning, and communication, OIG is now clearly structured, and roles are appropriately defined and aligned with OIG's strategic objectives and priorities. The progress we have made is demonstrated in the quantity and quality of our work and the morale of our employees, which are respectively, at all-time highs. In the FY 2020 Federal Employee Viewpoint Survey (FEVS), OIG showed significant improvement in several different categories measuring employee morale. In the FY 2021 FEVS survey, OIG again showed substantial and sustained improvement in virtually every major category that measures employee morale. We will be pleased to share the detailed results with the Subcommittee, upon public release.

BORDER SECURITY AND IMMIGRATION

OIG provides necessary oversight of the Department's operations to secure our borders, safeguard and facilitate trade and travel, enforce immigration laws, and properly administer immigration benefits.

In FY 2021, we conducted 24 audits and inspections related to border security and immigration and have numerous reviews ongoing. Earlier this year, we launched a system-wide audit, across all DHS detention facilities, to ascertain the rigor of the approval process for invasive surgical procedures, as well as the propriety of previously-approved invasive medical procedures, in light of medical community standards. We will share the results of these ongoing projects with the Subcommittee when they are finalized.

Investigations



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We have allocated significant investigative resources to border oversight, including enhancing the profile of our Southwest border offices. We have prioritized identifying and stopping border corruption. For example, with this enhanced focus, we:

- Worked with the Federal Bureau of Investigation (FBI) to investigate a Border Patrol Agent (BPA) for smuggling a non-citizen through a Border Patrol checkpoint; the former BPA was found guilty and sentenced to 3 years probation and 40 hours of community service.
- Identified two civilians who smuggled numerous non-citizens through a Border Patrol checkpoint; one was sentenced to 60 months incarceration and 2 years supervised release, the other to 267 days incarceration and 1 year of supervised release.
- Worked with partners to investigate a U.S. Customs and Border Protection (CBP) Officer who allowed an undocumented noncitizen, whom he knew to be a felon, into the United States in exchange for a \$6,000 cash bribe; the former officer was sentenced to 30 months in prison, 3 years of supervised release, and a \$6,000 fine.
- Investigated, with assistance from the CBP Office of Professional Responsibility, a BPA who smuggled more than 5 kilograms of cocaine through a checkpoint on two separate occasions. The BPA pled guilty, and four other individuals have been convicted as part of the investigation for charges related to noncitizen smuggling and bribery.

Unannounced Inspections

During the pandemic, we successfully developed and implemented an innovative, virtual unannounced inspection protocol. We conducted five high-impact, virtual inspections of ICE detention facilities. In July 2021, we returned to our in-person sector inspections of both ICE detention facilities and CBP holding facilities and have conducted a total of eight inspections since returning in person. Whether virtual or in-person, these inspections provide insight into conditions at the facilities and evaluate CBP's and U.S. Immigration and Customs Enforcement's (ICE) ability to comply with applicable standards.

We generally scope our inspections to include the relevant standards for health, safety, access to medical and mental health care, grievances, classification and searches, use of segregation, use of force, and language access. At the onset of the pandemic, we added a review of COVID-19 protocols to ensure facilities were meeting ICE's requirements for COVID-19 response.

Overall, between FY 2020 and FY 2022 to date, we conducted nine inspections of ICE detention facilities as part of our unannounced inspections program. Six of those included analysis by our medical contractors of medical care provided to detainees and the Department's response to COVID-19. We made 12 recommendations for improvements to medical care.

Again, the continued bipartisan support from Congress enabled us to contract with medical experts beginning in FY 2021 to further enhance our oversight work. For each inspection, our contracted medical team typically consists of a nurse and a doctor, who review detainee medical



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files and facility medical staffing, training, and protocols to ensure medical care provided is consistent with detention standards.³

Medical care at ICE facilities varies greatly and is affected by a number of factors, including staffing, training, and access to medical providers. We have identified numerous deficiencies in medical care at detention centers, such as inadequate medical care in segregation, lack of documentation related to medical visits, untimely response to medical grievances, critical medical understaffing, inadequate medical protocols, and delayed medical treatment and medication refills for detainees.

Most recently, we issued a management alert, recommending immediate removal of detainees from the Torrance County Detention Facility (Torrance) in Estancia, NM.⁴ Our unannounced inspection in February 2022 found Torrance critically understaffed, which has prevented the facility from meeting contractual requirements that ensure its 176 detainees reside in a safe, secure, and humane environment.

COVID-19 DISASTER RESPONSE OVERSIGHT

In total, the Department has been authorized to expend \$99.4 billion under various pandemic-related authorities.⁵ OIG has been authorized to expend \$3M in supplemental funding, less than 1 percent of the total, for oversight of those funds.

The DHS Inspector General (IG) is one of nine statutory IGs who are members of the Pandemic Response Accountability Committee (PRAC), created by Congress through the *Coronavirus Aid, Relief, and Economic Security (CARES) Act*. We closely coordinate with the PRAC, as appropriate, to share model practices and enhance our effectiveness.

The CARES Act provided DHS \$45.9 billion for COVID-19 relief and provided OIG \$3 million in supplemental funding, through a transfer from the Disaster Relief Fund (DRF), to conduct oversight of those funds. Given this funding and the range of associated mandates, DHS adopted a layered response to deliver critical supplies and services. The Federal Emergency Management Agency (FEMA), along with other Federal partners, is the DHS component responsible for managing the Federal Government's COVID-19 pandemic response.⁶

On December 27, 2020, the *Consolidated Appropriations Act* first required FEMA to provide funeral assistance through its Individual and Household Programs for deaths related to the COVID-19 pandemic. The Act provided \$2 billion to reimburse funeral expenses incurred through December 31, 2020, at a 100 percent Federal cost share. On March 11, 2021, President Biden signed the *American Rescue Plan Act (ARPA)*, which appropriated \$50 billion to FEMA

³ 2008 and 2011 *Performance-Based National Detention Standards*, and *ICE National Detention Standards 2019*. Our medical experts also rely on *National Commission on Correctional Health Care Standards 2018*.

⁴ *Management Alert – Immediate Removal of All Detainees from The Torrance County Detention Facility*.

⁵ *HR2471 FY22 Consolidated Appropriations Act & CARES Act*.

⁶ *The Federal Emergency Management Agency's Response to COVID-19 and Other Challenges*. Statement of Robert Fenton, Senior Official Performing the Duties of the Administrator, FEMA. April 14, 2021. See also, *Known for Disaster Aid, FEMA Prepares for New Challenge with Coronavirus Relief*, NPR, March 19, 2020.



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for costs associated with major disaster declarations, including for funeral assistance, and did not limit the date for expenses incurred.⁷ As of July 12, 2021, FEMA has provided more than \$606 million to more than 91,000 people to assist with COVID-19-related funeral costs for deaths occurring on or after January 20, 2020.⁸ We did not receive an additional allocation to oversee those monies, but nonetheless, we initiated a significant body of work to oversee FEMA's funeral assistance efforts.

Investigations

Since January 2020, OIG has received a substantial number of COVID-19 fraud complaints nationwide and continues to investigate fraud perpetrated by companies and individuals seeking to exploit DHS-affiliated government programs, including relief programs that FEMA administers. To date, we have received more than 7,000 complaints and initiated 267 investigations. Many of our investigations involve individuals who have also attempted to defraud other COVID-19 programs.

Since the passage of the CARES Act, OIG has been at the forefront to detect, deter, and investigate COVID-19 fraud perpetrated against DHS and its components through our participation in working groups, coordination with the FEMA, and reliance on the expertise of our professional staff.

Our special agents participate in various working groups and task forces at the local, state, and regional level. This includes partnering with the Small Business Administration (SBA) OIG, Department of Labor OIG, Veterans Affairs OIG, United States Postal Inspection Service, Homeland Security Investigations (HSI), United States Secret Service, FBI, and United States Attorney's Offices.

We also participate in national working groups and task forces including the:

- Department of Justice (DOJ) Stimulus Funds Fraud Working Group;
- COVID-19 Fraud Enforcement Task Force;
- National Unemployment Insurance Fraud Task Force;
- DOJ Procurement Collusion Strike Force;
- DOJ Grant Fraud Working Group; and
- PRAC.

We interface with FEMA through a joint Fraud Working Group. The Fraud Working Group provides fraud training, including indicators and fraud scheme awareness, that is tailored to assist FEMA employees with preventing and reporting suspected fraud. With respect to FEMA's funeral assistance program, DHS OIG special agents are actively and independently collaborating with FEMA to facilitate early detection of fraud.

⁷ *American Rescue Plan Act of 2021, P.L. 117-2.*

⁸ FEMA press release HQ-21-134, July 12, 2021.



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OIG also developed an innovative approach to enhance the way we identify COVID-19 fraud schemes. Our team of special agents, forensic accountants, analysts, digital forensic examiners, and data scientists provides a multidisciplinary approach to analyzing large and complex data sets to identify fraud indicators and develop investigative leads. Using its expertise and a suite of cutting-edge data analytics tools, along with support from other Federal, state, and local partners, OIG has uncovered complex, multi-million-dollar fraud schemes involving FEMA personal protective equipment (PPE) contracts and facilitators of major unemployment insurance fraud schemes involving FEMA funds. Over the last 10 months, our team has executed 22 search warrants and seizures, recovered \$1.7 million, and realized 51 judicial actions, and our team continues to open new investigations that will likely yield high-impact results. We also developed an analytical dashboard to identify fraudulent FEMA vendors who were under contract with DHS to provide PPE for the National Stockpile. We have shared our model practice with the Inspector General community and through the PRAC.

In addition, we established an internal COVID-19 fraud investigation team dedicated to identifying and investigating unemployment insurance fraud. This team is comprised of geographically dispersed agents who conduct high impact COVID-19 fraud investigations nationwide. In addition to investigating fraud associated with FEMA COVID-19 funding, these agents coordinate with task forces, working groups, and United States Attorney's Offices nationwide.

Examples of our high-impact COVID-19 fraud investigations include:

Personal Protective Equipment Contract Fraud. On February 3, 2021, the Chief Executive Officer (CEO) of Federal Government Experts, LLC (FGE) pleaded guilty to making false statements, wire fraud, and theft of government funds. The investigation determined the CEO repeatedly, and falsely, claimed to contracting officials from FEMA and the Department of Veteran's Affairs (VA) that he was in possession of large quantities of PPE, including N95 masks.

Based on the CEO's statements, FEMA and the VA awarded FGE contracts to deliver more than 6 million N95 masks for a total cost of \$38.5 million. FEMA intended to procure the N95 masks for the National Stockpile, and the VA intended to use the PPE to protect employees and patients at various VA facilities. Despite the CEO's claims, FGE failed to supply any PPE to FEMA and the VA. Ultimately, it was determined that the company was never in possession of large quantities of PPE or N95 masks despite the CEO's fraudulent claims.

In addition, it was determined the CEO applied for various loans on behalf of FGE under the Federal Payroll Protection Program (PPP) and the Economic Injury Disaster Loan (EIDL) Program. The loan applications submitted by the CEO falsely stated the number of FGE employees and the amount of FGE's payroll. Specifically, the CEO claimed FGE had 37 employees when, in fact, the company had 9. The CEO also claimed he had a monthly payroll of \$322,000 when, in fact, FGE's monthly payroll was \$13,907. FGE was awarded PPP and EIDL loans in the amount of \$1.06 million. On June 16, 2021, the CEO was sentenced to 21 months in Federal prison, with 3 years of supervised release, and paid \$348,714 in restitution.



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Lost Wages Assistance Fraud. In November 2020, we determined that an individual and her co-conspirators fraudulently acquired \$436,834 in FEMA Unemployment Insurance (UI) benefits, which included using the identities of state prisoners. On April 8, 2021, the United States Attorney's Office for the Eastern District of Virginia issued a nine-count indictment charging four defendants with conspiracy to commit fraud in connection with major disaster benefits, fraud in connection with major disaster benefits, and mail fraud. All four defendants pleaded guilty: three received sentences ranging from 57 – 115 months of imprisonment. The fourth defendant's sentencing is imminent.

In a similar scheme, an individual pleaded guilty on June 11, 2021, to mail fraud for her role in fraudulently obtaining FEMA unemployment benefits for 22 prison inmates. With the assistance of an inmate co-conspirator, the individual used the identities of prisoners to file fraudulent UI claims to collect at least \$223,984 in unemployment benefits.

We continue to build and maintain relationships with our Federal, state, and local law enforcement counterparts and to use data analytics to identify significant fraud rings that impacted FEMA's Lost Wages Assistance Program. Given our current limited funding, we are focusing on Federal, state, and local partners in areas most heavily impacted by unemployment insurance fraud. As we identify new fraud schemes, the number of cases will continue to grow.

Audits and Inspections

In the early days of the COVID-19 pandemic, we identified the need to collect data before launching audit work in this unprecedented area. Therefore, in March 2020, we began gathering DHS and U.S. Department of Health and Human Services (HHS) pandemic response data, in real time. We observed daily and semi-weekly interagency conference calls hosted by FEMA and HHS officials and monitored FEMA's and HHS's daily national COVID-19 situation reports. OIG used this information to inform ongoing and proposed projects related to the pandemic.

Since June 2020, our auditors have been monitoring FEMA's use of CARES Act funds in addition to FEMA's vaccine support role. Our auditors participate with Federal, state, and local oversight officials on various working groups, including the PRAC and the National Association of State Auditors, Comptrollers and Treasurers COVID-19 Accountability Work Group, to coordinate oversight work across local, state, and Federal agencies and to identify issues related to the administration of the CARES Act and the ARPA funding. Finally, we coordinate internally through our Disaster Relief Working Group, which focuses on our COVID-19 audits and inspections. This group collectively identifies common oversight issues and facilitates coordination and deconfliction.

Since March 2020, we have issued 13 reports related to oversight of the Department's response to the COVID-19 pandemic and have 13 ongoing projects. We recently issued a management alert that found state workforce agencies (SWA) in the Lost Wages Assistance (LWA) program were not reporting identified or suspected LWA fraud to our office. We made two recommendations to FEMA to notify and reinforce to SWAs that they must report suspected, alleged, and identified fraud to the OIG. FEMA concurred with both recommendations and provided the necessary documentation to close them.



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CYBERSECURITY

According to the Department, cybersecurity has become the most dynamic threat to the Homeland.⁹ OIG is uniquely positioned to conduct targeted oversight, ensure DHS systems are secure, and help detect and deter attacks like SolarWinds. I have prioritized and enhanced our cyber oversight. Between October 2020 and November 2021, we issued 9 reports and 37 recommendations to improve and strengthen DHS's cybersecurity posture. We have also expanded our portfolio of audits to address the Department's cyber security risks in accordance with the 2021 Presidential Executive Order and subsequent Office of Management and Budget (OMB) guidance. We have 12 ongoing cybersecurity audits underway.

To enhance our cybersecurity workforce, I relocated the Office of the Chief Data Officer's (OCDO) data analytics and cybersecurity assessment groups within the newly created OI to better service the entire DHS OIG enterprise and enhance the use of data in our oversight work. We expanded the OCDO by creating new positions, such as a Director of Cybersecurity Risk Assessment Division, a System Administrator, and a Data Operations Manager. Further, funds have been dedicated to hiring contractor support to increase audit scope and capabilities.

We also developed a new in-house cyber audit training program for staff to take "Intro to Cyber Security" and "Intro to Cloud Computing" within FY 2022. These courses will provide our technology audit staff with the core concepts and theories necessary to conduct our growing portfolio of cybersecurity audit work.

We embedded four 2210 information technology (IT) Specialists across the IT Audit organization. Each IT Specialist is responsible for assisting audit teams plan and conducting cyber-focused audits of DHS IT programs, functions, systems, and operations.

The DHS OIG conducts cross-collaboration with other Federal Agency OIGs to plan and conduct joint evaluations and audits of the Department's cyber practices, and cyber intrusion prevention efforts. We are currently working with the National Security Agency OIG on one such cybersecurity joint review. We collaborate on emerging vulnerability assessment technologies and testing methodologies with other Federal OIG's and conduct internal coordination and outreach with Department officials to obtain different perspectives on operational risks and challenges.

Additionally, we created an internal Cyber-Attack Working group to meet weekly and discuss newly disclosed vulnerabilities, emerging cyber threats, laws and regulations, news reports of interest, and discuss the Department's efforts to improve its cyber strategy and posture. This group meeting also includes all relevant stakeholders to strengthen the collaborative relationship and share threat information.

On the technology front, we have invested additional monies in our Cybersecurity Risk Assessment Division, to include a mobile application assessment tool, and have funded

⁹ [The DHS Strategic Plan, Fiscal Years 2020-2024.](#)



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additional contract support in FY 2021 to accomplish testing and analysis related to the Department's technology access controls. We also plan to enhance our analytics capabilities through our current Microsoft Azure contract and expand contractor support for FY 2022 for Federal Information Security Modernization Act (FISMA) system testing.

FY 2023 DHS OIG BUDGET REQUEST

We submitted a funding request of \$222 million, an increase of \$16.6 million over the FY 2022 President's Budget request of \$205.4 million. Included in our request were \$8.9 million in program changes and \$7.7 million in cost of living adjustments.

The FY 2023 President's Budget funding of \$214.9 million includes the cost of living adjustments and maintains our current services but does not support our requested program growth. Our requested increase of \$8.9 million over the FY 2023 President's Budget level is necessary to maintain oversight capacity commensurate with the Department's significant program growth.

Specific areas of critical program growth include:

- **\$2.5 million for Information Technology Audits** to support additional oversight of DHS cybersecurity initiatives, SolarWinds response, and continuity of operations during COVID-19.
- **\$1 million for Pandemic-Related Investigations** to enhance COVID-19 investigative work, including fraud investigations in FEMA's Lost Wages Assistance and Funeral Assistance programs.
- **\$1.3 million for Border and Immigration Investigations** to support the growing investigative needs related to border corruption and immigration oversight, including allegations of corruption and civil rights violations along the Southwest border.
- **\$2.9 million for the Office of Innovation** to support IT modernization of our core audit, investigative, and inspections IT systems.
- **\$1.2 million for Facilities Relocations/Reconfigurations** to fund the relocation and/or reconfiguration of three field offices with leases expiring in FY 2023 as per the OIG's Five-Year Strategic Facilities Plan.

Thank you for this Subcommittee's continued support of the important work of the DHS OIG and our oversight of the Department. This concludes my testimony, and I look forward to answering any questions you may have.

Ms. ROYBAL-ALLARD. Thank you, Inspector General.

Let me begin by asking you what your main priorities are for the OIG for the rest of fiscal year 2022 and the next fiscal year.

Mr. CUFFARI. Certainly, Madam Chairwoman. So in fiscal year 2021, we finalized our strategic plan. NAPA helped us do this. And so our strategic plan includes recommendations for key priorities. These are the organizational transformation, border security and immigration, COVID disaster relief, fraud detection, and cybersecurity.

Ms. ROYBAL-ALLARD. How do you decide which projects, reports, or investigations to take on? For example, do you have a risk matrix that you use?

Mr. CUFFARI. So we use a risk-based data-driven approach, implemented a work planning process that is consistent to evaluate factors for all of our future work. This relates to a GAO recommendation, which we submitted to GAO that we have implemented this. And we asked GAO to close that recommendation.

We consider all mission risk that the Department has. We look at congressional requests, hotline information, and results from our interaction with stakeholders.

Ms. ROYBAL-ALLARD. How much of your budget request is dedicated to in-person, unannounced inspections of detention facilities?

Mr. CUFFARI. That is—I can't give you a certain percentage, ma'am, but I know since 2019 when I met with your staff initially, I heard loud and clear that you were interested in a project cost accounting system. We did not have that capability at the time, so I went outside. I hired MITRE, federal research development corporation, to assist us with gathering the requirements that would meet your needs, and ultimately instruct us on how to build this cost accounting tool.

Ms. ROYBAL-ALLARD. Okay. Perhaps you could get me that information after this hearing.

Mr. CUFFARI. Certainly.

Ms. ROYBAL-ALLARD. Following up on how you decide which cases you are going to take on, can you address your decision to not have OIG assert jurisdiction over the allegations stemming from the influx of migrants in Del Rio, and the use of horse patrols?

Because it seems to me that the optics of CBP doing its own review of such a high profile case is—seems like a missed opportunity to strengthen oversight at DHS and avoid perceived conflicts of interest.

Mr. CUFFARI. We actually had a lot of ongoing oversight work involving immigration at CBP and the office of field operations along the southwest borders. But in the case of the horseback patrol at Del Rio sector, we didn't decline to open an investigation. CBP followed proper procedures. They notified our Office of Investigations that this matter came to their attention.

The matter that they conveyed to us did not involve any criminal misconduct, and therefore, we didn't initiate a criminal investigation. CBP OPR, the Office of Professional Responsibility opened an administrative investigation, which I believe is still ongoing.

So pursuant to IG policy and DHS, CBP OPR, if they discover any evidence regarding criminality, they are mandated to report

that to us, and then we will consider whether to pursue criminal allegations. Thus far, we haven't received any information indicating that there were any criminal allegations.

Ms. ROYBAL-ALLARD. I know that you requested an addition \$8.9 million that was not included in the President's budget request. If we were to fund that, how would the OIG spend that increase?

Mr. CUFFARI. Yes, ma'am. It is broken down primarily into five buckets. IT audits is at \$2½ million, \$1 million for pandemic-related investigations, \$1.3 for border investigations, \$2.9 for the—our Office of Innovation and our cyber data analytics unit, and 1.2 to help us reconfigure our current existing work spaces.

Ms. ROYBAL-ALLARD. I am going to move on to the ranking member, Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, again, Madam Chair.

I want to talk with you today, sir, about a very important subject that has been brought to my attention. The OIG inspectors recently conducted a no notice visit to an ICE facility in Torrence County, New Mexico, and subsequently issued a management alert, calling for detainees to be removed from the facility.

Instead of accepting the findings of the OIG, which is normally what happens, this is critically important, ICE disputed the findings of the report, saying, "We have serious concerns about the accuracy and integrity of this report."

This is a very—pretty strident rebuke of OIG's work from a component. In the report, there is a photo of a detainee, filling a cup with water from a mop sink. The implication of which is that the facility did not provide ample potable water. The report labels the photos, and I quote, "Broken sinks in facility housing units, as well as water fountains restricted from use due to COVID-19, resulted in detainees obtaining their drinking water from a communal area faucet intended for filling mop buckets."

Yes, video footage from the Torrence facility shows the OIG inspector urging a detainee to pose for that photo. Once the photo was taken, the detainee dumped out his water. The video shows that he did not use this sink for drinking, but that is not the impression the report gives us. This is troubling to me. I have got some questions.

I will ask maybe the first three, and then there's two more. How do you respond to the allegation that the photo was clearly staged? Doesn't that call into question the validity of the management alert? Second, are you working with ICE to review additional video footage taken during the no notice inspection? Third, what responsibilities do OIG inspectors have to ensure their published reports are of the highest integrity? What is the mechanism to ensure the inspection teams are held to the highest standards?

And then I will hold off on my other two while you respond, sir.

Mr. CUFFARI. Thank you, Ranking Member, and it is great to see you again.

We conducted the no notice inspection at the Torrance facility after the Nakamoto (ph), which is an independent company under contract with ICE, found significant shortfalls on sanitary conditions, and critical staffing shortages at that facility about a year ago, in the summer of 2021.

We call balls and strikes. So I stand by our report. We gave the Department an opportunity to review a draft, and they submitted the comments as you suggested.

We modified, to the extent that it was warranted on our management alert, and we ultimately issued a management alert. The management alert actually found that there were urgent issues that posed health and safety concerns for the migrants who were housed there. And there were critical understaffing of—across the board, prevented the facility from meeting its contractual requirements that ensured detainees reside in a safe and secure environment.

Regarding the use of the mop bucket sink, the photo was not staged. I want to get that out of everyone's mind. It was a recreation of what our inspectors saw moments prior to our inspectors asking the detainee to recreate what our inspectors had just seen.

We got footage, as you suggested, from the facility that lays out that it was not a staged event. That in fact, it was a recreation.

Mr. FLEISCHMANN. In all due respect, Mr. Inspector General, a recreation, your words, is—and in my words—a staging, a re-staging. We can only, as lawyers, go by the real evidence that we see. If we were at trial, that certainly would not be admissible evidence if it were—even an expert recreation. That, in and of itself, is troubling to me.

So at a time when we were being overrun by detainees, in all due respect, in my view due to the abject neglect of this administration. That is not your fault. You inherit that. But as we look at these facilities, we have got to ensure that any criticisms, and we don't want to overlook real problems, are truthful, sir. I mean, the truth to me is the most important thing.

And I will just follow up with my final question. In your opinion, what could the OIG have done differently, if anything, and what have you learned from this experience?

Mr. CUFFARI. Sir, just if you would allow me to just comment.

In addition to the photos and the videos that substantiate our findings, we also have testimonial information from the detainees to supplement that. The question regarding what we can do. We could—and we are going to implement taking from stop to start a video of our entire interactions when we go and do unannounced inspections. This way there is no doubt.

Mr. FLEISCHMANN. Yes, sir. While I respectfully disagree with your conclusions, I thank you for your honesty and candidacy about how you view the situation. We just have differing opinions on that.

With that, Madam Chair, I will yield back. And thank you, sir, for your answers.

Mr. CUFFARI. Thank you, sir.

Ms. ROYBAL-ALLARD. Mr. Cuellar.

Mr. CUELLAR. Thank you, Madam Chair, for having this meeting. And, Doctor, it is a pleasure having you before us.

Let me ask you, back in 2010, I passed the legislation to modernize the performance results legislation that President Clinton and Al Gore had set up in the 1990s. And I see that back on July of 2021, you finalized the comprehensive strategic plan, and I appreciate talking to you at a later time, without taking too much

time today, to talk about if you have any ideas on any changes or suggestions for specific strategies or performance indicators for the homeland, because sometimes I think agencies measure activity and don't measure results.

So this would take a lot more longer, but I would love to spend time with you and your folks later on on this strategic plan, number one.

Number two, my question has to do with the joint task force. Back in 2014 when we saw one of the first major surges under President Obama, then Secretary Jay Johnson did a good thing, where he said let's try to put all the agencies to work together on this surge. So he set up different joint task forces. And the whole purpose of that was to manage border migration influxes, and he wanted to get all the agencies working together under Homeland.

Great idea under Secretary Jay Johnson. Then just recently, as you know back on September 30, 2020, your department did a report—OIG did a report that the Department was not maintaining oversight over this joint task force, and were not updating policies, et cetera, et cetera. And then without notifying Congress, and keep in mind that this joint task force, this unity of efforts set up by Secretary Johnson and authorized by public law, established by law, the Department on their own deactivated two of the three joint task forces, including the one in south Texas, or in the southern part of the country.

Under this last appropriation, we asked the Department to one, respond to your findings, number one. And number two, to reactivate those joint task force again.

So I would like to get your thoughts on this plan for restoring the joint task force, especially the west one that affects everything we are seeing on the southern part of the United States, and whether they have responded to your findings of September 30th of 2020.

Mr. CUFFARI. Thank you, Member. It is great to visit with you again.

As you know, I was down at the southwest border in Rio Grande Valley and Laredo last year. I just came back from visiting the southwest border, those two cities again, a few weeks ago.

We have some ongoing work, looking at CBP's sectors along the southwest border to ensure—to determine whether there was consistency in operations and policies, if they are following those.

Regarding the joint task force presentations, I am not able in my role as the Inspector General to actually comment on departmental operations. That would be for the secretary and for his senior staff to have some engagement with you on.

Mr. CUELLAR. Well, on the activation, but on your findings for the—that you all did?

Mr. CUFFARI. Sir, I am going to have to get back to you on the actual recommendations, and then where they are on implementing our recommendations and the findings.

Mr. CUELLAR. Okay. Well, my time is almost up, so I would like to follow up on the performance measures. And I appreciate your work on the strategic plan, number one. Number two, on the recommendations that you all found on the joint task force, and where

they are, if you can follow up, not only with me, but with the whole committee, and the staff also.

Mr. CUELLAR. So, thank you for the work and we appreciate what you did in Arizona, also.

Mr. CUFFARI. Thank you, sir.

Mr. CUELLAR. Thank you, Madam Chair.

Ms. ROYBAL-ALLARD. Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Madam Chair.

And thank you, Inspector General, for being here this morning. Good to see you, again.

The other day, we had some discussion about the COVID fraud that we have heard so much publicly about and I would like to ask, there were billions of dollars of COVID relief funding that was sent to several programs, including FEMA's Unemployment Insurance Program, and the COVID Funeral Benefit Program.

I have seen reports, as I said, that billions of dollars have been defrauded from various other COVID relief programs across the government. Three quick questions. Number one, how many complaints or tips have you received about possible fraud, so how big is the scope? And, secondly, how many cases have you opened to look at for COVID fraud? And then, finally, how much have you recovered so far?

Because I think it is important that the public knows that, you know, the Government is not just walking away from this fraud.

Mr. CUFFARI. Thank you, sir.

So, as you know, the Department received about \$100 billion under various pandemic-related programs and we received about \$3 billion to conduct oversight of those funds. In January of last, of 2020, since January 2020, we have received about 7,000 COVID-fraud complaints that we have actually initiated 267 criminal investigations.

What we are finding is that many individuals, we have identified about hundreds of millions of dollars in potential loss. I created a dedicated COVID-fraud unit to investigate these matters starting in March of 2020. We are using data analytics and we are working with our partners and other IG offices and with the U.S. Attorney Offices and state prosecutors to target these individuals and bring them to justice.

Mr. RUTHERFORD. Thank you. And with these complaints that are coming in from all across America, I imagine that if you are investigating 257,000, that is a pretty big universe. How do you prioritize which cases you will investigate? I think that is important.

But then also, can you talk about how you are collaborating with state and local law enforcement. You mentioned the U.S. Attorneys. Can you talk about that a little bit.

Mr. CUFFARI. Yes, sir. So, as I mentioned, I established this core unit. They are looking at COVID-only related fraud. We are working with our Inspector General colleagues and the Department of Labor, Social Security, and other organizations. We are looking at threshold levels because of the volume of complaints and our limited amount of resources. We are looking at threshold levels of about \$250,000 and above.

I will give you an example. An individual was indicted in the Northern District of California a few weeks ago. This individual defrauded the Unemployment Insurance Fund to the tune of \$2 million. He had compromised more than 70 individuals' identities and was able to extract, illegally, obviously, from the State of California, about \$2 million. That is just one example of the types of investigations that we are doing.

Mr. RUTHERFORD. Well, it is great to hear you are going after these guys, especially the former police officers.

So, let me ask you this, Inspector, is there like a tip line or a phone number that people can call if they want to send in tips to the OIG?

Mr. CUFFARI. Yes, sir. They can call our fraud hotline here in Washington, D.C. We also have a national disaster fraud hotline in the State of Louisiana, co-located with LSU University. It is to—and I can give the website. If somebody could find it for me, we can give it out. We will get it to the Committee for you to have for your availability.

Mr. RUTHERFORD. Yeah, let me close this round with this question. You mentioned the limited funds that you have, so I am curious, what funding do you think you need going into the 2023 budget to help continue the effort that you have out there so far?

Mr. CUFFARI. Just relating to COVID fraud, my COVID unit right now consists of about 17 to 18 rehired annuitants.

I would like to—

Mr. RUTHERFORD. Is that enough?

Mr. CUFFARI. No, sir. I would like to expand that to 40. We are spread throughout the Continental United States in various cities that have the preponderance of the fraud occurring.

My request would be if the Committee could support an increase to our appropriations of about \$14 million, that would cover the increase and allow for, obviously, additional criminal investigations to occur.

Mr. RUTHERFORD. Okay. With that, my time is up.

And, Madam Chair, I would suggest that we heed his request on this \$14 million, because it will actually bring dollars back that have been stolen in fraud.

So, thank you very much, Inspector General.

I yield back.

Mr. CUFFARI. Thank you.

Ms. ROYBAL-ALLARD. Mr. Ruppertsberger.

Mr. RUPPERSBERGER. Okay. First thing, I think the Inspector General position is very important to the checks-and-balances of our country, just like we are doing that as members of Congress and holding people accountable. And, you know, in order to have an effective Inspector General, you must have some investigative experience, but you must have a reputation for integrity and so far, I hear you have integrity and that is an important part.

My question is, recently, we read about, or I read about nine immigrants at the Imperial Regional Detention Facility in California, who filed a civil rights complaint against the Department. They are alleging unsafe living conditions, specifically, hazardous air, dust, mold, and drinking water contamination. One detainee who has been in custody for over 3 years stated, quote we, are breathing in

sewage and manure fumes, constantly due to the non-functioning air ventilation systems.

Now, I know in December 2020, your office released a 34-page report identifying violations of ICE detention standards, highlighting the poor conditions that endangered the health and safety of detainees.

My question is, first, I know the story I mentioned is still developing, but do you know if there is any veracity to the claims I listed?

And the second question would be, in your opinion, have detention conditions generally improved since that report?

Lastly, I am seeking to find out what the OIG's criteria is for choosing which ICE facilities to do unannounced inspections, how does your testimony address that?

And, finally, do you have enough manpower to do the cases that you need to do and how do you decide the priority of which cases you are going to take?

Mr. CUFFARI. Thank you for the questions.

You may know, I spent actually 4 years as a Department of Justice Inspector General agent working in the Imperial Valley. This was during the period of time when the Immigration Service was still within the Department of Justice.

I am very familiar with the new facility, which the report was based on in December of 2020. A year later, December of 2021, my senior staff and I actually toured the new facility and we determined that the conditions at the time of our one-day visit there were appropriate. I do know that in December of 2020, we had six recommendations for ICE to improve their oversight and operations there. My understanding is that ICE concurred with all of those recommendations and all the recommendations have been closed.

I am unaware of these new matters that you have addressed, but I would certainly want to take a look at them. I would have a member of my staff contact yours to get some additional information.

Mr. RUPPERSBERGER. I will take that.

Mr. CUFFARI. And, obviously, with more resources, we could do more oversight, but we can continue to do our unannounced inspections. As I mentioned, we are going to do five this year. We are looking at requests from members of Congress with information such as you just brought to our attention, the type of facility, IG hotline complaints, just to name a few of the indicators.

Mr. RUPPERSBERGER. What is your system? How do you choose which ones to visit unannounced or announced, either one? I mean, your volume must be overwhelming, so you can't do them all, so what system do you have to pick that?

Mr. CUFFARI. Yes, sir. We look at risk base. What is the biggest risk to the Department. So, we would look back at previous inspections both, that our office conducted, as well as ICE, and the Nakamoto Group, to see whether or not those individuals, those groups have found that the facilities were below standards. That would be one factor. We would look at congressional requests, such as the information you just provided. We are looking at healthcare and medical care that is being provided. Hotline complaints, as I mentioned.

We are trying to disburse across the country, our—we are going to be doing some up in the Northern Region here this upcoming year. So, and I am also look at the COVID, reported COVID-19 infection rates in those facilities.

Mr. RUPPERSBERGER. Do you have a group that does intelligence for you; in other words, how are you getting your data, not any of your leads, but do you have anybody who has experience in intelligence?

Mr. CUFFARI. We formed, sir, a division or an Office of Innovation. We cobbled and put together from various program offices, our data and analytics unit, which is looking in conjunction with our hotline and our Office of Investigation to provide us with that information. That is the data-driven portion.

Ms. ROYBAL-ALLARD. Mrs. Hinson.

Mr. RUPPERSBERGER. I yield back.

Mrs. HINSON. Madam Chairwoman. I really appreciate you holding this hearing today.

And Inspector General, good to see you again, and I appreciate our discussion earlier this week on the importance of oversight at DHS, especially considering the current situation at our southern border with the crisis there and the administration's failures to treat it as the crisis that it is.

And we are about to pass a very important historical milestone, which is a million encounters at our southern border in just the first 6 months of the fiscal year. And this comes, of course, at the same time that the administration is planning to ended Title 42; the policy that our Border Patrol agents on the front lines have told me in person is absolutely essential for them to help stem that flow of illegal immigrants into our country.

So, my first question, Dr. Cuffari, is, I see these actions by the administration as grossly irresponsible and dangerous, but you are the one who is inside the Department conducting these oversights on these sites every day. I would like to get your take a little bit on this situation.

And on our call on Monday, you had a chance to talk about your recent trip to the southern border, your discussions with the Border Patrol agents. Again, I mentioned, I have also visited the border. I was really shocked with what I saw and what I heard.

So, my question for you today is, in your expert opinion, based upon the oversight that you have conducted, are our Border Patrol agents properly equipped, manned, and empowered to be able to contend with the current crisis at our southern border?

Mr. CUFFARI. Well, very nice to see you again, ma'am.

So, I did, I have conducted since I have been the IG, during my tenure, about 5 trips to the southwest border. The most recent one was in mid-March. I am heading back to the border in a few weeks to take a look at that.

I have observed conditions. I spoke with front-line staff and senior managers. They appear to be equipped from the readings that they are given, to be, but they are certainly significantly understaffed.

Mrs. HINSON. So, it is a manpower issue.

And what is your take with this potential, secondary surge with Title 42 being revoked in a few weeks?

Mr. CUFFARI. The Border Patrol senior management informed me that there are approximately 100,000 individuals staging on the south side of the border and this is primarily in the Rio Grande Valley and Laredo. That is the most recent places that I visited.

Mrs. HINSON. So, they are preparing for this staging of people to come across and you believe that they are severely undermanned?

Mr. CUFFARI. They are anticipating individuals coming across and their manning level, as they indicated to me, was low, lower than it has been. The senior patrol agents advised that about 60 percent of their manpower is actually being used on administrative work. They are in the offices processing individuals. That leaves only, obviously, 40 percent of line Border Patrol agents to work the field.

Mrs. HINSON. All right. I would definitely call that a security issue for our country.

And I want to follow-up on something else, too, that we have heard some concerning reports about, that there are some plans by the administration to move medical personnel from the U.S. Department of Veterans Affairs to the border to help provide medical services to illegal immigrants coming across our border. I think this is an outrageous idea because I mean, I am hearing from the veterans in my district and they are already waiting for backlogged care and I am appalled that this would be even considered by the administration.

But have you heard of these reports? Are you aware of any plans from the administration to shuffle personnel from the VA to deal with our crisis at the southern border?

Mr. CUFFARI. I am not, but I am aware that DHS had previously used members of the Coast Guard and the Public Health Service to augment their medical staff along the borders and in the detention facilities.

Mrs. HINSON. All right. I would ask if you do hear of any of these situations where we, in essence, have the care taken away from our veterans, those who have fought for our country, to go provide for those who are breaking the laws of our country, I find that unacceptable, so I would ask if you do hear of any of those situations, please follow-up with our office. And I would expect, obviously, we are here to do oversight and ask these important questions and I know that is your mission, as well.

Just a final question. Do you believe that your office would be able to recommend a better option to help make sure our existing border personnel isn't overwhelmed, I mean, we need to be discouraging illegal immigration and encouraging legal immigration, but do you have any better recommendations that we can implement right now?

Mr. CUFFARI. I would say that from what the Border Patrol senior managers have described to me, the continued enhancement, perhaps, of DOD resources as been very helpful to them and, perhaps, if they were to remain in place, that might alleviate some of the shortfalls.

Mrs. HINSON. All right. Thank you.

I am out of time. Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. I just want to point out something that Mrs. Hinson mentioned, because the lack of the ability of Border

Patrol to hire personnel has been a major concern of this subcommittee and is the reason why we put in \$100 million for hiring and they just have the challenges in their ability to fill the positions that they need.

Mr. CUFFARI. You are absolutely right, Madam Chairwoman.

Ms. ROYBAL-ALLARD. Ms. Underwood.

Ms. UNDERWOOD. Thank you, Madam Chair, and thank you for calling today's hearing.

One of the OIG's core oversight mission areas is ensuring resilient response to disasters. We can't be truly resilient unless our approach to disaster response is equitable and this is something that is often missing from the emergency-management conversation. That needs to change.

Forty percent of Americans already live in counties hit by climate disasters in 2021 and that will only increase as the climate crisis accelerates. As we know that marginalized communities are disproportionately affected by climate change and natural disasters.

In November 2020, FEMA National Advisory Council had produced a report detailing how the agency systematically fails to distribute resource equitably. The council stated, quote, FEMA does not meet the equity requirements of the Stafford Act. This report also provided recommendations that would make equity the foundation of FEMA's financial-assistance relief going forward.

So, I am curious to know more about how the OIG approaches these issues. How does the OIG currently seek out, measure, and evaluate equity in the context of your work at FEMA?

Mr. CUFFARI. Nice to meet you, ma'am.

Ms. UNDERWOOD. Nice to meet you, too.

Mr. CUFFARI. Just to start off, I have a very good working relationship with both, the FEMA administrator, as well as the new deputy administrator.

Ms. UNDERWOOD. Great.

Mr. CUFFARI. We just had a conference call last week. We got a lot of audits and inspection work in the FEMA space. Our work shows that what happens is FEMA frequently is getting large sums of money to assist in these qualified individual assistance for disaster relief, but there doesn't seem to be any resources provided in that funding for FEMA to administer these additional programs. So, they are basically taking these oncoming new roles out of hide.

So, our work in Puerto Rico is a good example. A few years ago, FEMA was unable to deliver just the basic necessity and emergency assistance for water—

Ms. UNDERWOOD. So, Mr. Cuffari, that actually was not my question.

My question was about equity and allocating the resources and doing FEMA's emergency response work.

Mr. CUFFARI. Certainly. So, I mentioned we have numerous reviews. One of those reviews is the ongoing equity audit that is being conducted in our Office of Audit. We have an ongoing project right now that is not completed, but I certainly would want to share that with you and the rest of the members of the committee once it is done.

Ms. UNDERWOOD. And that equity audit, is that explicitly including FEMA?

Mr. CUFFARI. Yes.

Ms. UNDERWOOD. Okay. Last September, FEMA announced its new agency-wide definition for equity to make programs more accessible to vulnerable populations, quote, the consistent and systematic, fair, just, and impartial treatment of all individuals.

Now, I am encouraged by this effort, but certainly it will be a big undertaking. How does OIG plan to hold FEMA accountable for meeting that new definition of equity?

Mr. CUFFARI. Well, we would take a look, obviously, in this ongoing audit of equity to see what their definition is and see whether or not they are implementing it appropriately and consistently across the entire organization.

Ms. UNDERWOOD. And when do you expect that audit to be complete?

Mr. CUFFARI. I actually don't know. I can't give you a certain date, but they are still in fieldwork, so it is normally about a 6-to-8 month project.

Ms. UNDERWOOD. So, that would extend beyond the current fiscal year?

Mr. CUFFARI. It potentially could. I would be able to get back to you and to the subcommittee within the next day on where they are in their audit.

Ms. UNDERWOOD. Thank you.

Mr. CUFFARI. It is possible that we could be done by the end of this fiscal year.

Ms. UNDERWOOD. Okay. The OIG has a critical role to play in promoting more equitable policies Department-wide. OIG's website states that its vision is to drive transformative change to improve DHS programs and operations and promote a safer homeland.

How does OIG plan to use its work to focus more attention on equity and disaster recovery both, at FEMA and Department-wide?

Mr. CUFFARI. Well, this is just one example of an ongoing audit. We can take a look at other offices within the Department. There are, as you know, 24 various components and we could certainly factor that into our ongoing work.

Ms. UNDERWOOD. Well, I would certainly encourage you to do so, sir. You know, we have seen the President issue his executive order and, you know, everything from the budget coming down from the administration has certainly centered equity. So, we hope that in your work and under your leadership and the Inspector General's Office, you would, in turn, make this a priority.

We look forward to hearing more about your findings. Thank you so much.

And I yield back.

Mr. CUFFARI. Thank you.

Ms. ROYBAL-ALLARD. That completes the first round, so we have time. We are going to do a second round.

In June of 2004, the Secretary of Homeland Security issued Management Directive 810.1 outlining the roles and responsibilities of DHS OIG. This document requires DHS components to refer all allegations of serious and criminal misconduct to the OIG, which has the right to assert exclusive jurisdiction over any case it chooses. The directive also requires the OIG to respond to components with-

in 5 business days regarding its decision whether or not to investigate referred allegations.

However, we know that historically, many allegations sit with the OIG for weeks or months before a response is sent to components, potentially impacting the availability of evidence and witnesses as well as impacting the Department's ability to rapidly address issues of public or congressional concern.

Can you describe the process for determining which cases the OIG will take versus those it refers to other entities.

Mr. CUFFARI. Certainly. Thank you.

So, I am aware, obviously, that there is a mandate to update the management directive. It is important that that update, to preserve our independence, remove the requirement that we turn complaints back to the Department in 5 days. Allegations that are referred to us, we need to take a look at. We have to be timely in doing so. I think 5 days is a short time period.

This requirement here of the 5 days, it is inconsistent with the IG Act, with perhaps, attorney general guidelines, and also with CIGIE investigative standards. We have been working hard to keep track of our referrals. In some cases, we are working jointly with investigative components in the—

Ms. ROYBAL-ALLARD. I am sorry, could you just walk me through the process as to what takes place in order for you to make that decision and maybe point out some of the obstacles that you are talking about that prevents you from doing it within the 5-day time that is required.

Mr. CUFFARI. So, I have a 32 field offices spread throughout the country with investigations and some of those. As an example, if there was an allegation involving corruption by an employee of the Department, the impacted component, we will use as an example, CBP, is obligated to make a referral to our office. They could do that via the hotline, through the joint intake center, or directly to our investigative divisions out in the field offices.

We then evaluate that. We may actually already have an ongoing investigation that they may be aware of. I am told that in fiscal year 2022, we had about 31,000 allegations so far that we received. So, we processed those, consistent with our policies, whether or not we have ongoing activities and whether or not it is criminal.

If the underlying allegation is criminal, we more likely than not, will take them, and if they are not criminal, we more likely than not will return them back to the component. But we need, perhaps, the best way to think of it is we need to test the allegation to see if it warrants us expending limit resources.

Ms. ROYBAL-ALLARD. Okay. From your perspective, are there things that can be done to streamline the process to make it more efficient so you can get closer to that 5-day requirement?

Mr. CUFFARI. I am going to have to take a stronger look at that, Madam Chair.

Ms. ROYBAL-ALLARD. Yeah, I don't expect you to answer it, but if you could think about it and especially to see if there is any way this subcommittee can be helpful in that regard.

Mr. CUFFARI. Yes.

Ms. ROYBAL-ALLARD. The first objective of your strategic plan is addressing the timeliness and quality of the OIG's product. What

steps have you taken or do you plan to take to accomplish this goal and have you seen any measurable progress toward that objective so far?

Mr. CUFFARI. Since during my tenure, I have hired a career professional Deputy IG to run my Audit Division. I also hired a career professional to run my office of inspections. Collectively, they are looking at timeliness. They set it as a priority. We are processing through benchmarks. We are working to eliminate, actually, some old cases that I inherited.

Our productivity rate, I am happy to report, has been up about 20 percent since fiscal year 2019 and even during the pandemic, as of last year, we issued 73 reports.

Ms. ROYBAL-ALLARD. Do you have data that you could share with the subcommittee on that?

Mr. CUFFARI. Most certainly, yes.

Ms. ROYBAL-ALLARD. And just, finally, one follow-up. In recent years, some high-profile OIG investigations have taken months or years to complete, which can delay the Department's ability to fully address vulnerabilities, ranging from detention condition to public corruption.

For those who may be victims of families of victims, delayed justice can often be denied justice. Have you been satisfied with the OIG's pace of completing these investigations and are there steps your office can take to improve the timeliness of these investigations?

Mr. CUFFARI. Certainly. To answer your question, I had not been satisfied at my initial tenure here, but in the last several years, I am dedicated additional time and resources to exploring this issue. Again, I want to say that our timeliness issue is on mark; in fact, we passed last year, three external peer reviews in our office of audit, inspections, and investigations, all of which take a look at the timeliness of our reports, in addition to quality and meeting standards.

Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Madam Chair, and Inspector General Cuffari. I appreciate your attentiveness toward our questions.

My first question is a little bit general. As a statutorily independent agency, the OIG can submit funding requests in addition to the President's budget request. If Congress cannot fund all your questions above the President's budget, what are your top priorities, sir?

Mr. CUFFARI. Thank you, Ranking Member.

So my top priorities are to continue to do the great work we have been doing. I obviously will have to shift, reallocate resources within my office to cover what I perceive to be perhaps a shortfall of areas that I've identified still pose a risk for the Department and we do want to ensure that those are covered.

Like I have mentioned, if we do not have that additional funding, it significantly would impact my ability to do COVID fraud investigations. We would not be able to take a look perhaps as robustly at cybersecurity and other border and immigration matters.

So any help your subcommittee can give to us, we would certainly appreciate it.

Mr. FLEISCHMANN. Understood, sir.

Billions of dollars have been appropriated to FEMA to provide grant funding following major disasters. Like other programs, the OIG has conducted investigations into alleged fraud of FEMA disaster relief programs.

Three part question, sir.

What has your office found regarding potential disaster relief fraud? What recommendations have you made to safeguard these programs to protect against criminal actions to steal these funds through identity theft and grant claims. And thirdly, sir, are there specific grant programs that suffer disproportionately to fraud? What steps should FEMA take to ensure that grant funds remain available to qualified recipients?

Thank you, and I will await your answer.

Mr. CUFFARI. Yes, sir.

So I understand that in fiscal years 2020 and 2021 in FEMA-related audits we identified over \$7 billion in questioned costs and about \$380 million in funds that we determined could be put to better use.

Much of these questionable costs related to not following federal procurement regulations and sufficient supporting documentation, and reliance on self-certifications.

We currently have right now 21 FEMA-related audits that are ongoing involving a wide variety of issues.

Mr. FLEISCHMANN. Very well.

Well, thank you for your answers. And with that, Madam Chair, I will yield back.

And, again, General, thank you so much for your answers to our questions, sir. Wish you well.

Mr. CUFFARI. Thank you, sir.

Ms. ROYBAL-ALLARD. Mr. Ruppertsberger.

Mr. RUPPERSBERGER. Okay. Thank you.

Well, the cybersecurity mission at the Department is rapidly growing, and of course we need to do that, especially for domestic cyberattacks.

The Cybersecurity and Infrastructure Security Agency, CISA, has grown over \$1 billion in annual appropriations since I have been back on this subcommittee, and that was 2015. At the same time, the cybersecurity threats to our nation continue to grow and CISA is our main domestic entity for coordination and collaboration with the private sector where most of the vulnerabilities lie.

I have seen some of the past work you have done with CISA on approving information sharing, taking a look at the continuous diagnostics and mitigation that is called the CDM program, and on dam security.

Can you talk about how your office approached oversight with CISA and how has that changed, if at all, since your confirmation in 2019 as CISA has continued to mature as an organization?

Mr. CUFFARI. Well, thank you, sir.

You may know my undergraduate degree is actually in management information systems, so cybersecurity is near and dear to my heart.

CISA, as you know, plays a vital role in securing policies, both in the public and private sector. However, CISA doesn't have the internal requirement to ensure that DHS follows these policies. So

my office, as the independent office of the IG, performs that compliance function.

We have a cybersecurity lab. We are attempting to penetrate systems to find weaknesses and vulnerabilities through these programs.

I am trying to ensure that the smallest number of people possible have blanket access or keys to DHS systems. This certainly is a great vulnerability and I want to make sure that the DHS IT systems are patched.

Mr. RUPPERSBERGER. Okay. Now [inaudible] continues to double down on supporting CISA and we need to do that. With large a year every year increases in their appropriations and emergency appropriations, when applicable. I commend the chairwoman and leadership on the full Committee and members of the Committee and, of course, their professional staff for their hard work on this.

Now given your independence as the IG, besides increased resources how can congress ensure that CISA continues to be successful and how do you assess the Department's approach to the management of CISA?

Mr. CUFFARI. We would just ask that you allow us to be your oversight body as you do for the Department and for us to ensure that CISA performs the full scope of their authorities. This would include oversight of critical infrastructure, whether it is dams or the energy sector. And as I have mentioned, it is both an internal to the Department, across the government and also to the public.

Mr. RUPPERSBERGER. All right.

Now I have spent most of my career, and it is up to 20 years—didn't intend to stay that long, but here I am—representing NSA. So I have done a lot of work and I was also ranking member of the Intelligence Committee. And so I have spent a lot of work with NSA, time with NSA.

As you know, NSA has no jurisdiction in the United States. But notwithstanding that, do you call on NSA and their expertise as long as it is within the law to help you in some of the things that you are doing in your oversight capacity?

Mr. CUFFARI. Yes, sir.

So I have a very good working relationship obviously with my colleague, Rob Storch, who is the NSA Inspector General. Our office, his Office of Audit and our office of audit currently has an ongoing audit looking at CISA and other cybersecurity related matters. It is ongoing. We would certainly be happy to share with the subcommittee at its conclusion.

Mr. RUPPERSBERGER. Well, we just—you know, CISA has a ways to go, but they have done a good job with what they have and there is a lot of money being put into CISA. So as you know, for those of you who are really much involved in cyber at all, we have got some real threats ahead of us. So thank you for your work in that area.

I yield back.

Mr. CUFFARI. Thank you, sir.

Ms. ROYBAL-ALLARD. Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Madam Chair.

Dr. Cuffari, I wanted to go back and talk about what I see as the self-inflicted nationwide public health disaster that is about to

take place when we abandon Title 42. COVID-19 is not the only medical threat from this open border. Murder is a public safety threat; that I had an individual in my district murdered by an individual who came across the border illegally, claimed he was underage, and so he fell into the catch and release category, was sent to Jacksonville and he murdered one of my constituents.

In addition to that, across this country we have seen over 100,000 of our young people die from opioid overdose already last year, the first time ever. This is a self-inflicted national health disaster, and we have to look at Title 42.

And now I see all of these federal agencies that are also being impacted, not just DHS. We mentioned DOD. They are being called to the border. Those military men and women are having to leave their homes and go to the border to get involved in this issue. My good friend, Mrs. Hinson, brought up earlier that the VA is sending doctors down to address these folks.

In addition to that, I just was on a call with the USCIS. They are now going to be asked to handle the refugee situation. They already can't handle the legal immigration that they are being asked to deal with.

And so this truly is beginning to effect not only every American in the country, but every federal agency in the country.

And so I want to ask, do you have any open recommendations that have been made for how we should be processing these illegal immigrants at our southern border?

Mr. CUFFARI. Well, we completed an audit last year involving DHS's protocols, whether they were following protocols or had any established to conduct COVID testing of migrants at the southwest border. We made recommendations to CBP to enhance their ability to do that. We found that they were not consistently testing individuals before releasing them onto aircraft or into the custody of another agency or—

Mr. RUTHERFORD. Right.

Mr. CUFFARI [continuing]. Actually into the public.

We also have a report back in February 2020 about the HSI criminal alien program that faced many challenges. We made recommendations. ISIS subsequently implemented those recommendations and the matter, to my knowledge, has been closed.

Mr. RUTHERFORD. So when Title 42 is lifted because they are okay with COVID-19 now, there is no concern about the number of murders that are being committed by these individuals. There is no concern about the opioid deaths and the drug trafficking and human trafficking.

All of these, to me, should be considered public health issues all over the country because every city in America is now a border country because we are flying them all over the place. And I know they are flying into my district particularly.

So do you have any recommendations on identifying these individuals, particularly these cartels, that are sending these people across? The man that was murdered in my district was murdered by an individual who was obviously working with a cartel because it was already set up that he was going to reference Mr. Cuellar as his uncle, not related to our member, Madam Chair. But that

was—and two weeks later he is murdered by this individual. It was all prearranged before he crossed the border.

And so my question is, what are we doing to stop these narco-terrorists from coming across our border?

Mr. CUFFARI. Well, what I can say, sir, is based on my extensive travels to the southwest border and having worked along the border for about, just over 20 years, it is incumbent upon the Department to take their screening and vetting process and do it robustly, consistently, taking fingerprints, biodata. We have had work in that area in the past. We have a number of reports related to that.

So I think that is the first line of defense is to have those checks done consistently across the entire southwest border.

Mr. RUTHERFORD. Thank you.

I see my time is expired. I yield back.

Mr. CUFFARI. Thank you, sir.

Ms. ROYBAL-ALLARD. Ms. Underwood.

Ms. UNDERWOOD. Thank you, Madam Chair.

Dr. Cuffari, in your testimony you stated that you have identified numerous deficiencies in medical care at ICE detention centers, such as inadequate medical care and segregation, lack of documentation related to medical visits, and untimely response to medical grievances, critical medical understaffing, inadequate medical protocols and delayed medical treatment and medication refills for detainees.

As a nurse I have been focused on this issue since 2019, my first year in Congress, when I traveled to the border with DHS and witnessed medical records being kept by hand, hindering patient care and provider safety. It is extremely concerning to hear how persistent this issue has been at ICE facilities.

Can you please elaborate on the lack of documentation related to medical visits you have found and explain how that contributes to the larger picture of deficiencies in medical care?

Mr. CUFFARI. Certainly. Thank you, Madam Underwood.

So with the subcommittee's actually enhancements to our budget back in 2020, we were given additional monies to hire an outside contracted medical care evaluation team. This consists of physicians as well as nurses. They have been accompanying us since then on our visits to the ICE detention facilities. We have made about 35 recommendations for ICE to improve conditions, many of which you have identified as inadequate staffing and matters like that.

We also completed a report regarding the Irwin County Detention Facility in Georgia in 2021. They were housing immigration detainees. There was a lack of medical care that was being provided there. We then initiated another audit to take a look across the board of all ICE detention facilities regarding surgical procedures. This was as a result of the ICDC matter.

Ms. UNDERWOOD. Yeah.

So, Dr. Cuffari, in your report, you have read the report and you talked about the documentation piece. That is my question. Do you have any kind of additional detail or would you like to elaborate on the lack of documentation related to medical visits?

Mr. CUFFARI. I believe it is just a common practice and, you know, they are defaulting to the old pen and paper and putting in-

formation in a file and not using available electronic means to capture and store that information. I—

Ms. UNDERWOOD. As this committee has continued to provide resources for that kind of electronic documentation, and we know that that is a critical best practice in all medical facilities across this country. And we are going to continue to provide oversight to make sure that in particular ICE improves their medical documentation and medical treatment.

I am so pleased that this committee was able to secure the independent reorg of the CMO's office.

Okay. The Trump administration's Family Separation Policy was a moral stain on our country's history. In May of 2021, OIG published a report confirming that under the last administration ICE removed at least 348 parents without the necessary documents for reunification, and in some cases removed parents without their children even after parents told ICE officers that they wanted their children to accompany them upon removal.

In this report, OIG included recommendations to help ensure this never happens again.

Can you provide an update on the status of those recommendations and whether they are being implemented?

Mr. CUFFARI. I don't have that available right at the moment. What I can say is we are doing an audit. It is a follow up to a report we did in November of 2019 that was taking a look at the interaction between ICE and the release of unaccompanied children to Health and Human Services.

Ms. UNDERWOOD. Right. We appreciate that. But this was a newer report. This is from last year, May of 2021, under your tenure, sir.

And so if you are not prepared to answer that question during this setting, please provide us for the record an update because your office did include a series of recommendations that we are very interested on the committee to understand if those are being implemented.

Mr. CUFFARI. Certainly.

If I may, I understand we made two recommendations which DHS concurred with. What I don't know at this stage, and I will be happy to get back to you and the committee, I don't know whether they have been fully implemented. We have therefore closed them. That I will provide to you.

Ms. UNDERWOOD. Wonderful.

Thank you so much. I yield back.

Mr. CUFFARI. You're welcome.

Ms. ROYBAL-ALLARD. Mrs. Hinson.

Mrs. HINSON. Thank you, Madam Chair. And thanks again, Dr. Cuffari, for sticking it out for another round of questions here.

I want to turn now to an agency that Iowa is no stranger to. Unfortunately, we have a number of interactions with the Federal Emergency Management Agency, FEMA. I just want to highlight one natural disaster obviously that still is fresh in the minds of many of my constituents.

In August of 2020 we had a massive derecho that tore across the state, very severe thunderstorm, \$10 billion in damage, weeks' long blackouts, mass destruction of homes. People are still waiting to

get some of these repairs done. And as you can tell, it really caused a lot of loss for lives and livelihoods in Iowa.

So as we are having this discussion, you know, FEMA, they obviously were on the ground. They worked a lot to help with local recovery efforts, and they did help a lot of people. But there were several Iowans who have contacted our office who struggled to receive assistance in a timely manner, and my understanding is that in several cases that the bureaucratic red tape there was the real culprit. And that is obviously something that Iowans can't afford to wait on in many cases.

So my question is, do you have any guidance based upon your interactions and oversight with FEMA to maybe give some recommendations on how FEMA could be more efficient in its mission and more responsive to my constituents who need that help?

Mr. CUFFARI. Well, I certainly commend the men and women of FEMA for their great work across the entire country. What I can say is FEMA frequently receives large sums of money to assist in disaster relief, but it appears as though the funding is lacking what I would call administrative overhead costs. This would be—so FEMA is taking out of hide the coverage of these additional ongoing matters and programs. They are not being given additional money, at least from our review is they are not being given additional money to cover what I would call administrative costs. They are taking on these additional burdens out of hide.

So perhaps that might be a consideration to provide some degree or percentage of the disaster relief money. It could be dedicated to FEMA to augment their existing staff.

Mrs. HINSON. Yeah, because obviously this part of their mission at the core is really critical. People need those assistance dollars coming in. And I know in our earlier conversation this week we talked about all of the different ways that FEMA is being stretched, much like many different departments under the Department of Homeland Security.

So can you talk a little bit more about the oversight that you have done? Specifically, you talk about following the money, right, and seeing where the overhead is or where the waste is going, where there can be efficiencies.

Can you just talk a little bit about what you have discovered in looking at FEMA?

Mr. CUFFARI. Right now we have got 21 ongoing FEMA audits. They are covering a wide variety of issues related to funeral assistance, lost wages, workforce management, property acquisition, et cetera, et cetera.

Mrs. HINSON. Okay.

Mr. CUFFARI. Again, they are doing a great job, but each time we add an additional layer on, it begins to tax the existing structure.

Mrs. HINSON. Yeah.

And one of my biggest concerns going forward is making sure that they can provide what I think everybody deems as an important mission, which is that disaster assistance. And as we come into a very severe weather season, we lost 7 Iowans just a few weeks ago to tornados and many homes were damaged as well. So definitely top of mind for Iowans and many Americans as well.

So I want to thank you for coming before us today.

And I think I will have some questions for Round 3, Madam Chair. But for now I yield back.

Thank you.

Mr. CUFFARI. Thank you.

Ms. ROYBAL-ALLARD. Okay. I believe that we are now ready to go into Round 3.

And I believe, Mrs. Hinson, you are the one that has requested—you have additional questions. But before I turn it over to you, I did just want to make one comment.

And that is that I agree with Mr. Rutherford 100 percent that we need to do everything we can to stop those at the border who want to do us harm.

However, I do get a little bit concerned when we put everyone into that same basket. A large percentage of those who are coming to our border from countries where they are escaping, you know, rapes and murders and gangs and all the things that we have heard about, actually come to our borders and turn themselves in.

And, also, when it comes to illicit drugs, drug trafficking, human trafficking, the majority of that actually takes place at our ports of entry. And that is why this subcommittee has done as much as it possibly can to address and support what is happening at our ports of entry and to provide border patrol and others with the resources they need to address these issues.

So I just want to bring that point because I think it is concerning to throw every group of immigrant who wants to come into this country and to portray them as, unintentionally perhaps, but as murderers, drug traffickers, when, in fact, that is not the case. There are several different groups of people who want to come to this country for different reasons.

And as I said, the majority coming from the Latin American are actually turning themselves in. And the majority of our drugs are coming through our ports of entry. So—

Mr. RUTHERFORD. I was not suggesting that everyone that wants to immigrate to this country or come across the southern border is a murderer or a drug dealer or a terrorist or a threat to this country.

Ms. ROYBAL-ALLARD. I under—

Mr. RUTHERFORD. The point that I am making is the vast numbers of illegal aliens that are crossing our border are impeding our ability to process people properly so that we know who is coming in. I simply want to know who is coming through our border. And right now we do not know.

And we know now with the automated surveillance towers, we have a much better idea how many we are missing and how many of those are bringing drugs with them. And it is significant and that is why I brought that up.

Ms. ROYBAL-ALLARD. No. I understand that and I didn't mean to imply that you were doing that. I just wanted to make sure that those who are not familiar with the issues that this subcommittee deals with on a daily basis, that it was made clear to, you know, the general public that may be listening in.

And that is one of the very reasons that because of the support and help of everyone on the subcommittee that we had our earlier hearing with USCIS, that we, you know, are meeting with, you

know, Border Patrol and everyone to make sure that we understand clearly what they need to do exactly what you have said, Mr. Rutherford.

And I thank you for your participation and the viewpoint that you bring to this committee as well.

And now I will turn it over to Mrs. Hinson because I believe you have some questions for a third round.

Mrs. HINSON. Yeah. I will be very quick.

Thank you, Madam Chair.

And thank you, again, Inspector General.

I just wanted to follow up on something that we briefly talked about on Monday. You know, obviously we have talked a lot about the staffing issues, and I thank the Chair for her leadership on our budget process and our appropriations process where we were able to get them some more resources and hopefully they will be able to staff up and alleviate some of the burden and the strain that is existing on our men and women who are keeping our borders safe. But that has created maybe some unintentional consequences in the agency. And I know you are looking into some of those.

And could you just elaborate a little bit on some of the investigations that you are conducting into some of the challenges that may have resulted unintentionally out—unintended consequences out of some of the situation at the southern border?

Mr. CUFFARI. I guess I could talk about closed investigative work. We have a series of investigations that have closed involving public corruption of officials, either Border Patrol agents or inspectors at the ports. These sadly tarnish unnecessarily so the great work of the other CBP employees.

In one particular case in Arizona there was a Border Patrol agent who while on duty was trafficking cocaine, heroin and fentanyl from a remote area along the border. And he was actually driving it up to the Phoenix airport and delivering it on duty to a drug trafficker. He is coming up for trial here in September or the summer of 2022.

Again, these are issues that rise. The Department is a large organization. It is composed of humans, obviously. Some humans unfortunately do bad things and, again, unfortunately it tarnishes the reputation.

In some cases Border Patrol agents come and approach our offices to talk about individuals who are drug traffickers or human smugglers who are trying to bribe them. So the agents self-report and work with us to target and then obviously investigate and ultimately indict the bad folks.

Mrs. HINSON. Yeah. And absolutely we want to make sure that we are holding those people accountable while at the same time, you know, supporting the people who are doing the job and putting their lives on the line every single day.

Can I ask, do you know how you were hearing about the—are they colleagues that are coming forward in a whistleblower fashion to report? Is the culture there where people feel comfortable to do that and come up the food chain and out those who may be breaking the law? You talked about self-reporting for people who obviously have been approached themselves. But what about the whistleblower aspect of the job?

Mr. CUFFARI. Well, the Department, we are actually the managers for the Department's Whistleblower Program. So we have a very robust team of highly skilled, dedicated career attorneys who are on that mission. We have a Whistleblower Coordinator whose role it is, is to provide training across the entire department. This individual is actually also going to embark on a pilot project to start an Alternative Dispute Resolution process within our Whistleblower Program.

Mrs. HINSON. All right.

In the interest of time I will go ahead and follow up offline. But thank you, again, Inspector General.

And thank you, Madam Chair, for the extra time for questions. I appreciate it.

Mr. CUFFARI. Thank you, ma'am.

Mrs. HINSON. Thank you.

Ms. ROYBAL-ALLARD. Mr. Fleischmann, did you or Mr. Rutherford have any additional questions?

Mr. FLEISCHMANN. No, Madam Chair. I believe they have called votes. I just want to thank the General for his testimony today and look forward to working with you as the chair and he in his capacity and with our wonderful subcommittee.

Thank you.

Mr. CUFFARI. Thank you, sir.

Ms. ROYBAL-ALLARD. If there are no more questions, that will conclude today's hearing.

Inspector General Cuffari, thank you so very much for your time and for helping us think through the challenges that you are facing.

The Subcommittee on Homeland Security stands adjourned.

Mr. CUFFARI. Thank you, Madam Chair. Have a good day.

WEDNESDAY, APRIL 27, 2022.

U.S. DEPARTMENT OF HOMELAND SECURITY

WITNESS

HON. ALEJANDRO N. MAYORKAS, SECRETARY U.S. DEPARTMENT OF HOMELAND SECURITY

Ms. ROYBAL-ALLARD. The Subcommittee on Homeland Security will come to order.

Today's hearing on the Department of Homeland Security Budget Request for Fiscal Year 2023 will be conducted by a hybrid hearing, so we need to address a few housekeeping matters.

For any members joining virtually, speaking into the microphone will activate your camera and display your image on the main screen. Once you start speaking, there will be a slight delay before your image appears on the main screen. Do not stop your remarks if you do not see the screen switch immediately. If the screen does not change after several seconds, please make sure you are not muted.

To minimize background noise and ensure the correct speaker is being displayed, we ask that members participating virtually remain on mute, unless you have sought recognition.

Members are responsible for muting and unmuting themselves. However, I or staff I designate may mute participants' microphones when they are not recognized to speak to eliminate inadvertent background noise. If I notice when you are not recognized that you have not un-muted yourself, I will ask the staff to send you a request to unmute. Please accept that request so you are no longer muted.

Members can submit information in writing for any of our hearings using the email address provided in advance to your staff.

We will follow the speaking order set forth in the House rules, beginning with the Chair and ranking member, and then alternate by party beginning by members in order of seniority present at the time the hearing is called to order.

Now, let's begin.

This morning we welcome the Honorable Alejandro Mayorkas, Secretary of the Department of Homeland Security, who is here to discuss the Department's operations and its fiscal year 2023 budget request.

Mr. Secretary, we look forward to a productive discussion this morning.

The Department has a difficult set of missions, ranging from cybersecurity and the safety of air travel, to terrorism preparedness, and the protection of our coastal and inland waterways. However, none of those missions is more challenging or fraught than immi-

gration enforcement. I suspect that much of our conversation in this hearing will focus on that topic.

Immigration enforcement is complicated and controversial, with policy choices on which members of the subcommittee will strongly disagree. However, I hope there is no disagreement about how challenging your task is under any set of policy assumptions.

There are no easy answers because there are competing legal and moral imperatives that are difficult to balance, and we are not and cannot be in full control of all the factors driving migration.

We have seen migration surges during Republican and Democratic Administrations and Congresses with no long-term correlation to policy trends.

Mr. Secretary, as we hold you accountable this morning for what happens at the border, I am cognizant that Congress is accountable for failing to give the Department a realistic legal framework for managing the border, one that ensures the rule of law while ensuring due process and providing better opportunities for legal migration and asylum claims.

Immigration reform would not solve all of our problems at the border, but without reform we are knowingly accepting a status quo that has become increasingly untenable.

Mr. Secretary, despite our policy differences on immigration or any other matter, I want you to know that this subcommittee does appreciate what you and the more than 240,000 men and women who work for you do every day to help keep our country safe.

I will now turn to the distinguished gentleman from Tennessee, Ranking Member Fleischmann, for his opening remarks.

Mr. FLEISCHMANN. Thank you, Madam Chairwoman.

Welcome, Mr. Secretary. I sincerely thank you for joining us today, sir.

Continuing the dialogue that we had on a bipartisan basis before the Easter break, sir, I think will be important in the weeks to come, and I thank you for that. And, hopefully, you can provide some additional insight, sir, into the plan that you released yesterday afternoon that outlines six border security pillars to address the historic number of migrants encountered by our agents and officers.

The crisis at the border continues to dominate the headlines in part because of the Administration's plans to repeal Title 42, which have now, fortunately, been blocked by court order, at least temporarily.

Roughly half of all migrants your agents and officers encounter illegally crossing the border are subject to removal under Title 42 authority. If that tool goes away, it has the potential to profoundly impact border security operations. Current DHS projections range from 6,000 encounters to upwards of 18,000 encounters. Even at the low end, it would mean a new record number of migrants crossing the border.

Border Patrol stations and Immigration infrastructure were designed for single, adult men, meaning additional overflow space will be required and, even then, will likely be stretched beyond capacity.

Before the court order, the CDC determined it was no longer necessary to protect U.S. citizens from COVID transmission. However,

at the same time, the CDC attempted to extend federal mask mandates for public transportation, including on aircraft, trains, and local taxis to May 3rd. Although the mask mandate was also correctly stricken, in my view, by a federal judge, it illustrates the disjointed nature of this Administration's COVID policy choices.

Beyond the debate around Title 42, this Administration continues to send all the wrong messages on border security and immigration enforcement.

Administration officials emphasize the push factors that drive people to migrate illegally such as natural disasters, economic conditions, and the corruption that is endemic to many of the sending countries; however, they rarely, if ever, acknowledge that their actions have a role to play.

Policy also drives illegal immigration, perception drives illegal immigration, changing both has to be a part of the Department's strategy because the current messages being sent, in my view, are contributing factors to the recent surge of illicit immigration because, right now, our current immigration policies are not working. We cannot manage our way out of this crisis with more processing capability or increase the ability of non-governmental organizations to address the near-term humanitarian needs.

Many migrants our agents encounter are given a notice to appear and sent on their way into the interior of the United States to await a court date, often years into the future. It only encourages more people to come. A better approach would be to ensure that not only those with a legitimate fear of—only those with a legitimate fear of prosecution or those who come to the country legally are successful. Everyone else must be swiftly removed and sent home.

Commitment to enforcement of our immigration law needs to be consistent and right now there are too many loopholes.

Mr. Secretary, I look forward to working with you and your Department as we endeavor to seek solutions to address the border security crisis at hand.

Madam Chairwoman, thank you and I yield back.

Ms. ROYBAL-ALLARD. I now recognize the distinguished gentlelady, Ranking Member Granger.

Ms. GRANGER. I want to thank the Chairwoman for holding this important hearing on the Department of Homeland Security's fiscal year 2023 budget.

Thank you also, Secretary Mayorkas, for joining us. We look forward to your testimony today.

First, I want to honor Texas National Guardsman Bishop Evans. Specialist Evans lost his life over the weekend saving two migrants from drowning. Our deepest condolences go out to the family and friends of Specialist Evans, as well as the Texas National Guard. Illegal crossings like ones Specialist Evans encountered have skyrocketed under this Administration. A record number of migrants attempted to cross the border illegally last year and we are on track for another record-breaking year.

On average, our Border Patrol agents encounter 7,000 individuals every day. This is straining the capabilities of our processing and detention facilities. Our agents and officers on the ground do not have the resources to handle numbers this high. The situation

will only get worse if the Administration is successful in lifting the Title 42 public health authority that has been successfully used to deny entry to illegal migrants during the pandemic.

Current projections from the Department suggest that without Title 42 authority the number of migrant encounters could more than double. Tens of thousands of migrants are waiting to cross the border if this authority is lifted.

It has been reported that some ICE and CBP accounts could run out of funds as soon as July if President Biden is successful in revoking Title 42. Members on both sides of the aisle agree that now is not the time to stop enforcement of this policy. Thankfully, the Administration's plan to suspend the authority have been blocked for now by a federal judge.

This Administration needs to stop their failed policies and start securing our border. The current policies have allowed cartels and human traffickers to take advantage of gaps in the wall; drug trafficking to surge with fentanyl; seizures increasing 134 percent; the number of deportations to fall by 68 percent; hundreds of thousands of migrants to be released into the United States.

We need commonsense solutions that deter illegal immigration, not policies that encourage more of it. Our message must be consistent and clear: the border is not open and, if you try to cross illegally, you will quickly be sent home. I urge the Administration to return to the rule of law and get serious about addressing the crisis at the border.

Mr. Secretary, I want to extend my sincere appreciation to the men and women of the Department of Homeland Security who dedicate their lives to protect the great Nation.

And thank you, Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Mr. Secretary, we will submit the full text of your official statement for the hearing record. Please begin your oral summary, which I would ask you keep to 5 minutes.

Secretary MAYORKAS. Thank you very much.

Chairwoman Roybal-Allard, Ranking Member Fleischmann, and distinguished members of the subcommittee, thank you for the opportunity to join you and testify before you this morning.

Every day, the 250,000 extraordinary personnel of the Department of Homeland Security interact with the public on a daily basis more than any other federal agency. While created to respond to a single threat in the aftermath of 9/11, our Department has remained agile, adapting to new challenges as they arise, as responsibilities grow, and as its role increases in scale and scope.

The Fiscal Year 2023 Budget is a \$97.3 billion investment in our capacity to meet the shifting-threat landscape. The resources will give us the tools to protect our communities from terrorism; to enhance border security; to invest in a safe, orderly, and humane immigration system; to counter cyber attacks; to safeguard our transportation networks; to strengthen disaster preparedness and resilience; and much more.

On terrorism and targeted violence, the threat has evolved over the last two decades, and we meet this challenge by equipping every level of government, the private sector, and local communities with the tools and resources that they need to stay safe.

In 2021, for the first time, we designated domestic violent extremism a national priority area in our FEMA grant programs; enhanced training opportunities for law enforcement; and increased our intelligence and information-sharing efforts. We are asking for additional funds to expand these operations.

In the wake of incidents like the hostage crisis in Colleyville, Texas, we have increased our request for the vital Nonprofit Security Grant Program to \$360 million, to protect houses of worship and other nonprofits from terrorism and targeted violence.

Under this Administration, our department has been executing a comprehensive strategy to secure our borders and to rebuild our immigration system.

With the Title 42 public health order set to be lifted, we expect migration levels to increase as smugglers seek to take advantage of and to profit from vulnerable migrants. We will continue to enforce our immigration laws.

After Title 42 is lifted, non-citizens will be processed pursuant to Title 8, which provides that individuals who cross the border without legal authorization are processed for removal and, if unable to establish a legal basis to remove in the United States, are removed promptly from the country.

We started our planning last September, and we are leading the execution of a whole-of-government strategy that stands on six pillars to prepare for and manage the rise in non-citizen encounters: one, surge resources including personnel, transportation, medical support, and facilities; two, increase efficiency without compromising the integrity of our screening processes to reduce strain on the border; three, administer consequences for unlawful entry, including expedited removal and criminal prosecution; four, bolster the capacity of NGOs and coordinate with state, local, and community partners; five, target and disrupt transnational criminal organizations and human smugglers; six, deter irregular migration south of our border in partnership with other federal agencies and nations.

We inherited a broken and dismantled system that is already under strain. It is not built to manage the current levels and types of migratory flows; only Congress can fix this. Yet, we have effectively managed an unprecedented number of non-citizens seeking to enter the United States, and interdicted more drugs and disrupted more smuggling operations than ever before. A significant increase in migrant encounters will strain our system even further and we will address this challenge successfully, but it will take time and we need the partnership of Congress, state and local officials, NGOs, and communities to do so.

To build on our ongoing work, in this budget we have requested funding to hire 300 new Border Patrol agents, the first increase since 2011; ensure the safe and humane treatment of migrants; and operationalize a new rule on asylum processing. We are requesting additional funds to counter human and drug-smuggling operations, combat the heinous crime of child exploitation and human trafficking, and stop goods produced by forced labor from entering our markets.

Finally, our mission set includes a series of other essential priorities.

DHS, through the Cybersecurity and Infrastructure Security Agency, protects our critical infrastructure from malicious cyber activity, a threat heightened due to Russia's unprovoked and brutal invasion of Ukraine. Our budget will expand our cybersecurity services, bolster our ability to respond to cyber intrusions, and grow our cyber operational planning activities.

DHS, through the Transportation Security Administration, protects the traveling public. Our budget invests in paying TSA's dedicated personnel commensurate with their federal colleagues and ensuring they receive employment protections.

DHS, through FEMA and other agencies, continues to answer the risks posed by climate change and natural disasters growing in ferocity and frequency.

Our budget invests in adaptation, resilience, improved response and recovery, and more. We cannot do this alone. DHS is a department of partnerships.

I look forward to working with this committee to carry out our wide-ranging mission on behalf of the American people.

Thank you.

[The information follows:]



TESTIMONY OF

Alejandro N. Mayorkas
Secretary
U.S. Department of Homeland Security

BEFORE

Committee on Appropriations
Subcommittee on Homeland Security
United States House of Representatives

ON

“Fiscal Year 2023 Budget Request for the Department of Homeland
Security”

April 27, 2022
Washington, D.C.

Introduction

Chairwoman Roybal-Allard, Ranking Member Fleischmann, and distinguished Members of the Subcommittee:

I appreciate the opportunity to appear before you today to discuss the Department of Homeland Security's (DHS) Fiscal Year (FY) 2023 President's Budget.

Every day, our Department interacts with the public more than any other federal agency. While DHS was created in response to a singular threat, among the Department's most impressive achievements in the two decades since the terrorist attacks on September 11, 2001 is its ability to evolve to address multiple complex challenges at once. Through it all, our workforce of more than 250,000 dedicated public servants has demonstrated exceptional skill and an unwavering commitment to keep every community across our country safe. The breadth of our mission and the scale of our impact requires organizational agility and appropriate resourcing to meet the dynamic and evolving threat landscape faced by our world-class workforce.

The FY 2023 President's Budget requests \$97.3 billion for DHS. Of this amount, \$56.7 billion is discretionary funding, \$20.9 billion is for mandatory funding and fee collections, and \$19.7 billion is for the Disaster Relief Fund to support response, recovery, and resiliency during major disasters. This Budget will help ensure that the DHS workforce has the tools necessary to safeguard the American people, our homeland, and our values. These resources will protect American communities, enhance border security, invest in a fair and orderly immigration system, protect our nation's networks and infrastructure from evolving cybersecurity threats, safeguard the transportation system, and strengthen disaster preparedness and climate resilience.

Thanks to the resources provided by Congress, the Department's extraordinary personnel have been able to accomplish highly impactful work throughout the Biden-Harris Administration to date. The FY 2023 President's Budget request for DHS will enable us to continue delivering for the American people.

Combating Terrorism and Targeted Violence

Combating all forms of terrorism and targeted violence is a top priority for DHS, and one that we cannot accomplish alone. As I have said several times before, the Department of Homeland Security is fundamentally a department of partnerships. Our ability to execute our critical mission relies on ensuring our partners across every level of government, in the private sector, and local communities have the tools and resources they need to stay safe.

Since the inception of this Department, the threat landscape has evolved dramatically and DHS has remained vigilant against all terrorism-related threats to the homeland. In the years immediately following the September 11th terrorist attacks, the Department focused on foreign terrorists who sought to harm us within our borders and threaten our interests abroad. This threat evolved to include homegrown violent extremists (HVEs) – the individuals in America who are primarily inspired by a foreign terrorist organization's ideology – and has continued to evolve to

include those fueled by a wide range of violent extremist ideologies and grievances, including domestic violent extremists (DVEs). DVEs are U.S.-based lone actors and small networks who seek to further political or social goals wholly or in part through unlawful acts of force or violence, without direction or inspiration from a foreign terrorist group or foreign power. These actors are motivated by various factors, including biases against minorities, perceived government intrusion, conspiracy theories promoting violence, and false narratives often spread online.

Today, U.S.-based lone actors and small networks who are inspired by a broad range of violent ideologies, including HVEs and DVEs, pose the most significant and persistent terrorism-related threat to the homeland. The Intelligence Community assesses that racially or ethnically motivated violent extremists (RMVEs) who advocate for the superiority of the white race, including white supremacists, and militia violent extremists (MVEs), present the most lethal DVE movement in the homeland. Per a March 2021 DVE assessment by DHS, the Federal Bureau of Investigation (FBI), and National Counterterrorism Center (NCTC), RMVEs are most likely to conduct mass-casualty attacks against civilians, while MVEs typically target law enforcement, elected officials, and government personnel and facilities.

In recognition of the gravity of the threat, I designated domestic violent extremism as a “National Priority Area” in our FEMA grant programs for the first time, while simultaneously increasing training opportunities for law enforcement partners through domestic violent extremism threat assessment and management programs. The FY 2023 Budget increases funding for the critically important Nonprofit Security Grant Program to \$360 million, to protect houses of worship and other nonprofit organizations from terrorism, targeted violence, and other violent extremist attacks. The hostage crisis in Colleyville, Texas earlier this year, alongside other recent tragic incidents, makes clear the need for this critical resource.

Further, DHS has renewed its commitment to share timely and actionable information and intelligence to the broadest audience possible. The FY 2023 Budget includes an increase of \$10 million for our Office of Intelligence and Analysis to enhance information sharing, analytic capabilities, and intelligence production to combat emerging threats and better collaborate with public and private sector partners.

Securing Our Border and Enforcing Our Immigration Laws

DHS works to secure and manage our borders while building a safe, orderly, and humane immigration system.

Violence, food insecurity, poverty, and lack of economic opportunity in several countries in the Western Hemisphere are driving unprecedented levels of migration to our southwest border. The devastating economic impact of the COVID-19 pandemic on the region has only exacerbated these challenges, while human smuggling organizations peddle misinformation to exploit vulnerable migrants for profit.

The Biden-Harris Administration is committed to pursuing every avenue within our authority to secure our borders, enforce our laws, and stay true to our values. Yet, a long-term

solution can only come from long-needed legislation that brings lasting reform to a fundamentally broken system.

On April 1, 2022, the Centers for Disease Control and Prevention (CDC) announced that, as of May 23, 2022, its Title 42 Public Health Order will be terminated. Title 42 is not an immigration authority, but rather a public health authority used by the CDC to protect against the spread of communicable disease. Until May 23, 2022, the CDC's Title 42 Order remains in place, and DHS will continue to process families and single adults pursuant to the Order. However, beginning on May 23, 2022, DHS will return to processing families and single adults using Title 8 authorities.

Under Title 8 of the U.S. Code, those who attempt to enter the United States without authorization, and who are unable to establish a legal basis to remain in the United States (such as a valid asylum claim), will be removed. They are also subject to long-term consequences beyond removal from the United States, including bars to future immigration benefits.

In September 2021, DHS began planning in anticipation of the eventual lifting of the Order. DHS is leading a whole-of-government plan to prepare for and manage projected increased encounters of noncitizens at our southwest border. Several elements of this plan are already being executed as we manage a historic number of encounters. In doing so, our objective continues to be the safe, orderly, and humane processing of noncitizens, consistent with our laws, while protecting national security and public safety.

The six pillars of our plan are as follows: (1) we are surging resources, including personnel, transportation, medical support, and facilities to support border operations; (2) we are enhancing United States Customs and Border Protection (CBP) processing efficiency and moving with deliberate speed to mitigate potential overcrowding at Border Patrol stations and alleviate the burden on the surrounding border communities; (3) we are administering consequences for unlawful entry, including removal, detention, and prosecution; (4) we are bolstering the capacity of non-governmental organizations to receive noncitizens after they have been processed by CBP and are awaiting the results of their immigration proceedings, and we are ensuring appropriate coordination with, and support for, state, local, and community leaders to help mitigate increased impacts to their communities; (5) we are targeting and disrupting the transnational criminal organizations and smugglers who take advantage of and profit from vulnerable migrants, and who seek to traffic weapons and drugs into our country; and (6) we are deterring irregular migration south of our border, in partnership with the Department of State, other federal agencies, and nations throughout the Western Hemisphere to ensure that we are sharing the responsibility throughout the region.

DHS has deployed unprecedented numbers of personnel, levels of technology, and expanded resources to the southwest border. The Department has also made critical security improvements along the northern border, and invested in hiring additional U.S. Border Patrol personnel, fielding new technology, and bolstering infrastructure while also strengthening efforts to increase the security of the nation's maritime borders. We have developed an integrated and scalable plan to activate and mobilize resources, increase processing and holding capacity while improving efficiency, and are implementing COVID mitigation measures. We are continuing to

process migrants in accordance with our laws, including expeditiously removing those who do not have a valid basis to remain in the United States. With partners, we have launched a counter-network targeting operation focused on transnational criminal organizations affiliated with the smuggling of migrants, and in close coordination with the Department of Justice (DOJ), we will refer border-related criminal activity to DOJ for prosecution when warranted, including that of smugglers, repeat offenders, and migrants whose conduct warrants such a law enforcement response.

We must continue to leverage our dedicated workforce and cutting-edge technology to continue to secure our borders. The President's Budget requests \$1 billion for investments in effective and modern port and border security, including the modernization of facilities; investments in risk-based border security technology and assets; and efforts to ensure the safe and humane treatment of migrants. The Budget funds the hiring of 300 new Border Patrol agents and 300 new Border Patrol Processing Coordinators to respond to migration along the southwest border. The additional Processing Coordinators will allow agents to focus on their core law enforcement mission in the field. If enacted, this would be the first increase in the number of Border Patrol Agents since 2011.

In addition to our work to secure our borders, we are building a fair, orderly, and humane immigration system. United States Citizenship and Immigration Service (USCIS) administers the Nation's lawful immigration system. Last year, USCIS received approximately 9.1 million applications, petitions, and requests that spanned more than 50 different types of immigration benefits. USCIS welcomed 855,000 new U.S. citizens and has already naturalized 429,000 individuals this year. USCIS also approved over 172,000 employment-based adjustment of status applications in 2021 and completed approximately 39,000 affirmative asylum cases and 44,000 credible fear determinations.

Earlier this year, DHS and DOJ published an interim final rule to improve and expedite the processing of asylum claims for recently arriving migrants. The FY 2023 Budget includes \$375 million for USCIS to support asylum adjudications, including resources to operationalize this transformative rule, ensuring that those who are eligible for asylum are granted relief quickly, while those who are not can be promptly removed. In addition, the FY 2023 Budget requests approximately \$389 million for USCIS to continue to reduce application and petition backlogs, process refugee admissions, and administer international programs.

On the first day of the Biden-Harris Administration, DHS issued new immigration enforcement priorities for the Department, instructing DHS officers and agents to prioritize the apprehension and removal of noncitizens who pose threats to national security, public safety, and border security. On September 30, 2021, I issued a superseding memorandum entitled *Guidelines for the Enforcement of Civil Immigration Law*. These updated enforcement priorities, which went into effect on November 29, 2021, instruct DHS officers to prioritize the apprehension and removal of noncitizens who are threats to national security, public safety, or border security. To grow and innovate the tools DHS employs to enforce our immigration laws and ensure related compliance, ICE will expand the Alternatives to Detention (ATD) program to enable it to supervise a larger population of noncitizens in immigration enforcement proceedings. The Budget includes an increase of \$87 million to accommodate this continued expansion of the

ATD program.

Combating Human Trafficking, Forced Labor, Child Exploitation, and Protecting Victims

The DHS Center for Countering Human Trafficking (CCHT) oversees the DHS mission to combat human trafficking and the importation of goods produced with forced labor. In 2021, the CCHT reduced the processing time for Continued Presence authorizations from 30 days to 15 days, better serving victims of human trafficking by affording them a legal means to temporarily live and work in the United States. CCHT also worked closely with ICE Homeland Security Investigations (HSI) to initiate more than 1,100 human trafficking investigations, make more than 2,300 criminal arrests related to human trafficking, and assist over 720 victims of human trafficking. Additionally, ICE continued, and in some instances strengthened, its valuable relationships with foreign law enforcement partners to facilitate the arrest of fugitives with active criminal arrest warrants from their home countries.

The DHS Child Exploitation Investigations Unit (CEIU) – part of the HSI Cyber Crimes Center (C3) – leads the nation in the fight against online child sexual abuse. CEIU detects and apprehends producers and distributors of child sexual abuse material and perpetrators of transnational child sexual abuse; identifies and rescues child victims around the world; and trains domestic and international law enforcement partners in cutting-edge investigative practices. In FY 2021, CEIU identified and/or rescued 1,177 child victims in child exploitation investigations. CEIU also arrested 3,776 individuals for crimes involving the sexual exploitation of children and helped to secure more than 1,500 convictions. Additionally, CEIU’s Angel Watch Center issued 1,722 notifications regarding international travel by convicted child sex offenders, resulting in more than 600 denials of entry by foreign nations.

The FY 2023 President’s Budget requests \$18 million in dedicated funding for the CCHT, which would be the first appropriated funding for this critically important Center. The Budget would also enable the permanent relocation of the DHS Blue Campaign to the CCHT, ensuring organizational alignment of the Department’s anti-human trafficking efforts. Additionally, the Budget includes \$59 million to support the DHS Cyber Crimes Center, including its Child Exploitation Investigations Unit, which is leading the fight against the horrific epidemic of online child exploitation. To support these critical operations, the Budget also provides \$25 million to expand the efforts of the Victim Assistance Program, which delivers essential support to victims encountered during HSI investigations. This funding will allow HSI to hire 59 new victim assistance specialists and will enhance HSI’s victim-centered approach as it takes on investigations of a wide range of federal crimes, including human trafficking, child sexual exploitation, financial scams targeting the elderly and other vulnerable populations, white collar crimes, and human rights abuses.

In response to the federal requirements under the Uyghur Forced Labor Prevention Act (UFLPA), signed into law by President Biden on December 23, 2021, DHS is leading the development of a whole-of-government enforcement strategy as the chair of the Forced Labor Enforcement Task Force. In the FY 2023 President’s Budget, DHS requests \$70 million to secure the necessary personnel, technology, training, and outreach that CBP needs to enforce the UFLPA and prevent the importation of goods made with forced labor from China. This

investment will strengthen CBP trade enforcement activities and expand capacity due to anticipated workload increases at U.S. ports of entry.

Protecting the Traveling Public

The Transportation Security Administration's (TSA) key mission is to keep our traveling public safe. In FY 2021, TSA screened more than 491 million travelers and prevented a record number of firearms from being carried past security checkpoints into secure areas of airports and onto airplanes. On average, almost 98 percent of passengers waited less than 20 minutes at airport security checkpoints, while 96 percent of passengers in a TSA PreCheck lane waited less than five minutes. These wait times evidence TSA's ongoing efforts to improve the customer service and air travel experience for the traveling public, while protecting national security and public safety.

Since the inception of TSA 20 years ago, the screening workforce that keeps the American traveling public safe has been paid at a substantially lower rate than the rest of the Federal Government. TSA's strategic success depends upon how well we attract, hire, train, develop, promote, and retain our workforce. This Budget invests a historic \$992 million for expanded labor relations support capability, equal access to the Merit Systems Protection Board, and pay equity to ensure the TSA workforce is provided employment protections and pay commensurate with other federal employees.

Further, passenger volume projections and workflow analysis for FY 2023 have determined, as passenger volume approaches pre-pandemic levels, an increase in personnel is required to ensure security standards at airport checkpoints are met and the traveling public does not experience excessive wait times. The FY 2023 Budget includes \$243 million to address these projections and hire the personnel TSA needs to meet this critical mission.

Building Resilience to Disasters and Climate Change

DHS continues combating the climate crisis and mitigating climate change-related risks, which pose a grave threat to the safety, security, and prosperity of our communities. It is vital for the Department to lead by example by minimizing its own environmental impact, promoting resilience against the risks posed by climate change, and facilitating adaptation to reduce international and domestic climate change-related threats. From extreme heat and fires in the West to extreme storms in the Southeast, flooding in the Midwest to ice melting in the Arctic, DHS is on the front lines of helping communities develop resilience and respond to these threats.

To this end, DHS is investing in adaptation to support community resilience, increasing response and recovery capabilities, and making the disaster assistance process more accessible and equitable. The FY 2023 Budget provides \$3.4 billion for Hazard Mitigation grants, Building Resilient Infrastructure and Communities grants, and the Flood Hazard Mapping and Risk Analysis program to mitigate the effects of climate change through community partnerships, improved disaster resilience, and preparedness strategies. In addition, the Department's investments in several climate change initiatives will include a total of \$76 million to transition our vehicle fleet to electric vehicles and \$50 million for various projects in resilience, energy,

and sustainability. These investments will ensure DHS missions and support structures can both adapt to the impacts of climate change and mitigate the Department's greenhouse gas emissions impact on climate change.

The FY 2023 Budget request includes \$19.7 billion for FEMA to assist state, local, tribal, and territorial partners and individuals affected by major disasters and provides a total of \$3.5 billion in federal assistance to support local preparedness stakeholders through grants, training exercises, and other support activities.

Protecting our Maritime Security

Since its founding, the United States Coast Guard (USCG) has protected national and economic security in a complex and evolving maritime environment. In FY 2021, the USCG saved nearly 4,750 lives and prevented more than \$61 million in property loss. While executing their counter-drug law enforcement mission, they removed over 381,000 pounds of cocaine and over 71,000 pounds of marijuana worth an estimated \$7.2 billion in wholesale value.

The FY 2023 Budget provides \$817 million for the Coast Guard's two highest acquisition priorities, the Offshore Patrol Cutter (OPC) and the Polar Security Cutter (PSC). The OPC will replace the Coast Guard's fleet of Medium Endurance Cutters that conduct missions on the high seas and coastal approaches. The PSC supports national interests in the Polar Regions and provides assured surface presence in those ice-impacted waters. The Budget also requests \$125 million to acquire a commercially available polar icebreaker to increase near-term presence in the Arctic until the PSC fleet is operational.

The FY 2023 Budget also provides the necessary resources for the Coast Guard to conduct today's highest priority operations in support of national objectives and continue investments in USCG readiness. The budget invests \$124 million to support the operations, maintenance, and crewing of new assets to include five Fast Response Cutters, National Security Cutters #10 and #11, OPCs #2 and #3, a commercially available icebreaker, and three C-27J aircraft. Administration priorities include increasing operations in the Indo-Pacific and Atlantic Basin, and the Budget invests \$88 million to promote Coast Guard missions in these regions, along with strengthening cyber resilience and investing in the workforce.

Strengthening Our Nation's Cybersecurity

Cyber threats from nation states and state-sponsored and criminal actors remain one of the most prominent threats facing our nation. This threat has been heightened by the ongoing Russia-Ukraine crisis. On March 21, 2022, President Biden warned that evolving intelligence indicates the Russian Government is exploring options for potential cyber attacks against the United States. Within the past year and a half, we have seen numerous cybersecurity incidents impacting organizations of all sizes and disrupting critical services, from the SolarWinds supply chain compromise to the exploitation of Log4j vulnerabilities found in Microsoft Exchange Servers and Pulse Connect Secure devices. Further, ransomware incidents – like those impacting Colonial Pipeline, JBS Foods, and Kaseya – continue to rise, as high-impact ransomware incidents against critical infrastructure organizations have increased globally, impacting

organizations of all sizes. The rate at which cyber incidents occur is rapidly increasing, and it is the Department's responsibility to help protect our nation's civilian networks and critical infrastructure from these attacks.

DHS, through the Cybersecurity and Infrastructure Security Agency (CISA), continues to work closely with partners across every level of government, in the private sector, and with local communities to protect our country's networks and infrastructure from malicious cyber activity. CISA has since taken several steps to increase our nation's cybersecurity and resilience, including by creating the Joint Cyber Defense Collaborative (JCDC) to develop and execute joint cyber defense planning with partners at all levels of government and the private sector; launching the Shields Up campaign in February 2022, recognizing the heightened risk of malicious cyber activity related to the Russia-Ukraine conflict, to amplify online free cybersecurity resources and guidance for how organizations of every size and across every sector can increase their cybersecurity preparedness; and working with federal, state, local, and election technology partners to protect election systems from interference.

The President's FY 2023 Budget request includes \$174 million for CISA to continue the work established through the American Rescue Plan Act of 2021, to expand cybersecurity service offerings that protect federal networks and critical infrastructure against evolving cyber threats. These funds will allow CISA and its partners to adapt to new systematic risks and maintain the progress gained in taking actions to bolster critical operational and strategic cyber risk mitigation capabilities. In addition, the Budget also provides \$425 million for the CISA Continuous Diagnostics and Mitigation program to strengthen the security of Federal Government civilian networks and systems. These efforts will close the crucial gaps that exist in large agency enterprises and provide CISA with visibility into unauthorized, potentially malicious activity targeting federal networks. The Budget further includes \$68 million for the JCDC, an increase of \$15 million, to ensure CISA can continue expanding critical cyber operational planning and partner engagement activities.

Additional Authorizations

In addition, there are two reauthorizations that the Department requires to continue its work in critical mission spaces.

First, the authority to establish and operate Joint Task Forces (JTFs) sunsets at the end of this fiscal year. JTFs provide a direct operational coordination layer to enhance the multi-faceted challenges facing DHS. JTFs remove stove-piped approaches to meeting challenges. They do this by developing and implementing an integrated approach that maximizes resources and capabilities within the Department for long-term missions and challenges. Today, JTF-East is responsible for ensuring Departmental unity of effort in the southern maritime approach to the United States and demonstrates the tangible, positive impacts that JTFs can have on enhancing DHS operations.

Beyond setting cross-Department wide goals and planning in a unified manner, JTFs further the Department's maturation by empowering Department officials to focus the Department's resources to achieve DHS goals. This realizes the promise in the Homeland

Security Act and subsequent creation of DHS to bring together organizations with homeland security roles in a coherent whole to achieve comprehensive security.

Lastly, the Department appreciates Congress providing authority for DHS to conduct counter unmanned aircraft systems (C-UAS) operations. Detection efforts and C-UAS deployments during the past two years have confirmed the threat from unmanned aircraft systems (UAS) is real and significant. Components are combating a multitude of threats from malicious and errant UAS operators, including thousands of illegal cross border flights every year, surveillance of our agents and operations, conveyance of contraband across the border, and the potential for drones to cause disruptions at airports and other critical infrastructure with great economic and impact. DHS has deployed C-UAS equipment over 250 times to protect senior government leaders, Special Event Assessment Rating events, National Special Security Events, the southern border, and other sensitive federally protected facilities.

We look forward to engaging with you, your staff, and other key stakeholders in the near future regarding the recently submitted C-UAS legislative proposal.

Conclusion

It is among the greatest privileges of my career to represent and work alongside the dedicated public servants who are DHS and who work tirelessly, selflessly, and often at great personal sacrifice to execute our critical mission. The FY 2023 President's Budget requests the necessary funding and authorities for the Department to carry out its wide-ranging mission and remain vigilant to defend against and combat a dynamic threat landscape, while protecting privacy, civil rights, and civil liberties.

Thank you for the opportunity to appear before you and discuss the Department's FY 2023 Budget request. I look forward to taking your questions.

Ms. ROYBAL-ALLARD. Mr. Secretary, I have been very concerned by calls for continuing the use of Title 42 expulsion authority at the border and I was alarmed by the recent court order that at least temporarily would prohibit the planned end of Title 42 next month. Even though this authority is legally premised on the mitigation of public health risk, there can be no denying that it also helps CBP manage the border by reducing the number of people that require processing, but that is not a legally sufficient reason to continue it and it would fly in the face of the legal due process rights of migrants.

My question is, do you believe it is time for the use of Title 42 authority to end at the border? And can you discuss how DHS is estimating the impact of ending Title 42 on the flow of migrants, including the assumptions behind the estimates we have heard of up to 18,000 individuals per day?

Secretary MAYORKAS. Madam Chairwoman, as you have correctly identified, Title 42 is a public health authority that rests in the exclusive jurisdiction of the Centers for Disease Control and Prevention, an agency within the Department of Health and Human Services. It is based on their expert assessment of the public health needs of the American public and they decide whether the Title 42 authority remains necessary, remains a public health imperative, on the basis of public health data that they obtain and their expert decision based on it.

Our responsibility in the Department of Homeland Security is to implement the Title 42 authority of the CDC at our border, and to implement it effectively and judiciously according to the law. We are mindful that there can be an increase in migratory flows encountered at our southern border should Title 42 come to an end, as the CDC has determined that it needs to do by May 23rd. Our responsibility, therefore, is to prepare and plan for that eventuality.

We have been mindful of the fact that the Title 42 authority would not be in place forever and, therefore, we began our extensive planning and preparation since September of last year. I outlined the six pillars of our plan that really have guided our day-to-day preparation since the fall of last year, and we are preparing for different scenarios. It is very difficult to predict the level of migration that we will encounter once Title 42 comes to an end and we are planning and preparing for different scenarios as a result. That is what we do; we plan, we prepare, and we execute in the service of our mission.

Ms. ROYBAL-ALLARD. Okay. Now, the estimates of 18,000 individuals, are those estimates based on a country-by-country projection? And what do the estimates mean in the short term as you consider the Department's funding and resource needs?

Secretary MAYORKAS. Madam Chairwoman, we haven't estimated the level of increase that we might experience, but what we have done is develop different scenarios and plans for addressing each and every one of those scenarios.

It is very important, I think, that everyone understands that an increase in migratory flows is not something unique to the United States; this is something that occurs in countries throughout the

region, throughout the Western Hemisphere, and, as we have seen so powerfully and regrettably, throughout the world.

We have seen more than five million Ukrainians flee their country, which has been so brutally attacked by Russia. We have Colombia in the southern part of our hemisphere experiencing more than 1.8 million Venezuelans crossing its borders. I recently traveled to Costa Rica and to Panama and heard from other countries with respect to the similar challenges that they are facing. These challenges are brought about and are made more acute by the COVID-19 pandemic, but some of the causes of irregular migration have only been heightened in the years of distress preceding this Administration. Economic downturn, an increase in violence, the significant impacts of climate change, these are the forces that drive people to leave their homes that they have established and in which they have grown up for years.

Ms. ROYBAL-ALLARD. And do you think that the extra \$1.4 billion that Congress already provided for this fiscal year will be enough?

Secretary MAYORKAS. Madam Chairwoman, we appreciate the \$1.4 billion that was provided to the Department of Homeland Security to address this situation. We have, of course, submitted to Congress a spending plan for that amount of money.

We have an obligation to the American public to manage our funding in a fiscally responsible way and that is indeed what we are doing. We are planning to reprogram funds as necessary, and we will be open and forthcoming with Congress with respect to those plans.

We also are preparing, should reprogramming not be sufficient, to request a supplemental. We have not reached that point; we are going to try to avoid that to the best of our abilities. We will be in constant communication with this committee, and we appreciate this committee's support.

Ms. ROYBAL-ALLARD. Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Madam Chairwoman.

Thank you again, Mr. Secretary.

Mr. Secretary, the Biden administration, through the Centers for Disease Control, attempted to end the Title 42 public health authority effective May the 23rd; however, a temporary restraining order now prevents the Administration from doing so. DHS's internal estimates provide several scenarios for the number of border crossers that may cross if we lift Title 42. Projections were as high as 18,000 encounters a day.

My first question, sir. Would DHS have been prepared if not for the court order, sir?

Secretary MAYORKAS. Ranking Member Fleischmann, thank you very much for your question.

It is our responsibility to plan and prepare for eventualities that might materialize. We started to plan and prepare for the end of Title 42 commencing in September of last year, in September of 2021. We have been preparing every single day since then.

Yesterday, I published a memorandum that set forth the pillars, the six pillars that undergird our planning and preparation, so that everyone can understand the extent of the planning and preparation that we have undertaken.

As I articulated in response to the chairwoman's question, it is our responsibility to plan and prepare, and to execute upon those plans, to address the challenges that are before us, and they are varied and continue to vary because our mission is expansive.

Mr. FLEISCHMANN. Thank you, sir.

Mr. Secretary, even if we don't lift Title 42, we are going to see this year a record number of migrant encounters at the border. Do you believe, sir, that we need to implement additional consequences for illicit border crossers?

Secretary MAYORKAS. Ranking Member Fleischmann, what we fundamentally need is legislation to fix what everyone agrees is a broken immigration system. That is the one thing in the immigration sphere where there is unanimity.

The six pillars of our plans that I outlined in a memorandum yesterday are six pillars that we are executing upon whether or not Title 42 comes to an end. One of those pillars is indeed the consequences for entering our country in between a port of entry without having a legal basis to remain in this country. Individuals who make a claim for relief under our laws and whose claims do not succeed in immigration court proceedings are removed from this country, and we are employing our authorities to effect those removals as swiftly as possible.

Mr. FLEISCHMANN. Thank you, sir.

You have already alluded to this in your testimony, but yesterday DHS released a plan for southwest border security and preparedness, which outlines your plan to surge resources and address the anticipated increase in border crossings when and if Title 42 is lifted.

The first pillar of the plan is to surge resources to the southwest border, including support and medical personnel. Presumably, these additional personnel come from other components throughout DHS.

My question, sir, what is the impact to those agencies who rely on these individuals as they are deployed to help alleviate the preventable border surge?

Secretary MAYORKAS. Congressman, not all of those resources come from other parts of the Department and I want to identify one very important example that illustrates my point.

I have been to the border approximately eight times. During my last visit, I heard loudly and clearly the concerns of our heroic, incredibly dedicated Border Patrol agents, about their need for additional support so that they can get out into the field and can interdict individuals seeking to evade law enforcement and cross our border illegally. In response to that need, we have hired contract case-processing personnel to process individuals who have sought to enter our border illegally, and this allows those Border Patrol agents out into the field. We have contracted for 300 case processors and we have the capacity to plus-up that force that does not come from within the Department. We are using our contracting authorities very effectively and efficiently to achieve that mission.

Mr. FLEISCHMANN. Mr. Secretary, thank you.

Madam Chair, I'll yield back and wait for round two. Thank you.

Ms. ROYBAL-ALLARD. Mr. Cuellar.

Mr. CUELLAR. Thank you, Madam Chair.

Mr. Secretary, thank you for being here. I think the job of this subcommittee is to provide the resources and hopefully some guidance to do your job because you are right, migration has been happening all over the world for war, economic, droughts, you name it, for many, many years. So it is not a matter of how do we control the border, but how do we manage the border.

Your plan that you laid out, actually, I think it can work. Three of them are to deal with the border, how do you move people out of the border in a more humane, efficient way, but I am interested in the three other ones that address the issues of expedited removals and what we do with those other countries. Instead of playing defense on the 1-yard line, what are we doing to work with the other countries.

The first thing is—and I am going to ask very specific questions—the Laredo sector and the Rio Grande sector are operating at 40 percent. That means that 60 percent of the men and women are in the processing centers and 40 percent actually doing Homeland Security. It is like having a school and only 40 percent of the teachers are in the classroom and the other ones are doing something else.

The border processing coordinators is something that we started many years ago, years ago, and we still haven't ramped up. I know I heard you say 300, but we should have done that a long time ago to put those folks in the processing centers and our men and women outside.

I hope you all can move on that quicker because I think it will be key to get the other 60 percent of the Border Patrol folks out in the field to do Homeland.

Number two, the asylum officers—this is the way I see this and I have brought this so many times—if somebody is coming from a country from another part of the world, it doesn't have to be only the Central American countries, they pass through country A. Country A can give them asylum, they can ask for asylum, they don't ask that. Then they pass through country B. They could do the same thing, ask for asylum, but they don't ask for them. They want to come to the United States, but they probably passed two, three, four countries where they could have asked for asylum.

Do asylum officers take that in consideration where their fear could have been taken care of in country A, B, C, or D, depending on where they are coming from?

And I know the immigration judges are not under your department, it is a different department, but is that something they take in consideration? Because I think a lot of those issues can be addressed very quickly because if the question is how do you take care of—how do you address the credible fear, I think that credible fear could have been taken here.

And the reason I say that because I have been with Border Patrol where I find the 45-day permit, you know, some time ago from Mexico, and then the relief that they have been given in Chile or some other countries, but they drop them off and they are starting new.

Is that something that the asylum officers look at?

Secretary MAYORKAS. Congressman, if I can answer the different questions—

Mr. CUELLAR. Yes, sir.

Secretary MAYORKAS [continuing]. That you have proposed to me, and I will do so as quickly as I can. I very much appreciate your recognition of the importance of the case processors. That is why from my last visit to the border, I equipped the case processors with additional tools to magnify their portfolios, and to allow more agents out in the field.

We already brought on more case processors, and we will be bringing on 300-plus more. So I very much appreciate your recognition of their importance.

The asylum officers, Congressman, you know, right now are working in a system where the average length of time between the time of encounter and the final adjudication of an asylum case is six to eight years. A stark example of how broken our immigration system is.

For the first time, this administration has promulgated an asylum officer rule that will allow the asylum officers to make that ultimate asylum adjudication, and that will take that six to eight year period and reduce it to under a year without compromising due process. That is a game changer, Congressman.

With respect to your point about the migratory flows from country to country and, ultimately potentially, to our southern border, because the promise of America is the greatest promise in the world, that is precisely why I was in Panama last week. I went to speak with my counterparts, along with U.S. Secretary of State Blinken, with the foreign secretaries and security secretaries of countries throughout the region, about their border management, the humanitarian relief that they could provide, the responsibilities that they have to provide that relief according to their laws, and to repatriate individuals who do not qualify for relief under their laws.

This is a regional, hemispheric challenge, and it needs to be met with a regional hemispheric response. We continue to work with countries in the region, last week in Panama, in June at the Summit of the Americas, and every day in between.

Mr. CUELLAR. Thank you.

Ms. ROYBAL-ALLARD. Ms. Granger.

Ms. GRANGER. Thank you. Since Congress blocked the administration proposal to rescind funding for wall construction, you have a balance of roughly \$2.5 billion available. I understand that some of the funding will be used to fix problems created for the decision to cancel the wall contracts midstream, such as closing gaps and building gates. The remaining funds must be spent on wall construction.

So please tell us exactly how you plan to spend the funds. If you can't provide an answer now, when will you be able to share this information.

Secretary MAYORKAS. Congresswoman, thank you very much for your question. Indeed, we are closing gaps and completing gates. I approved, I believe, approximately 68 projects in furtherance of that effort. We are well aware of our responsibility to spend the funds that have been appropriated to the wall, and we are undertaking an analysis of how most effectively to do so, while honoring the President's commitment.

We are dedicated to spending those funds in a way that enhances safety and security, and we will provide you with a plan that gives you more details in that regard. We are very well aware of our obligations, and we will execute those obligations in adherence to your authority.

Ms. GRANGER. Thank you.

Ms. ROYBAL-ALLARD. Ms. Underwood.

Ms. UNDERWOOD. Thank you, Madam Chair.

Mr. Secretary, thank you for being with us today. It is great to see you.

I am a nurse, so today I want to focus on DHS's policies around medical care. These policies are incredibly important, and they help keep DHS personnel, migrants, and most especially our community safe. Since you have taken office, you have made significant improvements on this front, especially regarding the well being of unaccompanied children, where the last administration fell beyond short of reflecting our values and meeting our standards. That is thanks to changes made under your leadership, and I want to recognize your efforts and those of DHS staff.

However, there is still a lot more work that needs to be done. Let's start with vaccinations. I have been advocating for DHS to offer the COVID-19 and influenza vaccines to people in its custody for years now, and finally on March 28th, the administration announced that CBP would begin offering the COVID-19 vaccine.

We know that vaccines save lives, and this policy will protect migrants and the DHS personnel serving at our borders. When DHS began implementing this plan one month ago, DHS officials said that you would initially be able to provide up to 2,000 vaccines per day, at 11 locations along the border.

Officials also stated that your plan was to increase capacity to 6,000 vaccines per day at 27 locations by the end of May. Are you on track to hit this goal?

Secretary MAYORKAS. Congresswoman, thank you very much for your concern with respect to the medical and health well-being of individuals whom we encounter at our southern border. I'm very well aware of your experience and your dedication to this issue.

We are on track, thanks to the extraordinary leadership of our physicians and their support personnel, and we are gearing forward to meet the objective of vaccinating up to 6,000 migrants per day in more than 20 facilities across the border.

Ms. UNDERWOOD. Great. How many migrants have been vaccinated at the border since you began this policy in March? And can you share any additional details on implementation?

Secretary MAYORKAS. Congresswoman, I would have to provide, and will provide, you with that data subsequent to this hearing. I don't have that detail with me this morning.

Ms. UNDERWOOD. Okay. Thank you. Like I mentioned, Chairwoman DeLauro and I have called on CBP to offer flu vaccines to people in its custody since 2019. Even before the COVID-19 pandemic, CDC urged Customs and Border Protection to administer the flu vaccine to people in its custody.

With DHS now administering the COVID-19 vaccine, can we expect the Department to expand this program to include the flu vaccine in the future?

Secretary MAYORKAS. Forgive me—in an architecture that we established to test, isolate, and quarantine non-citizens whom we have encountered, for example.

We have been working very closely with non-governmental organizations to advance the public health needs of the population.

Ms. UNDERWOOD. Okay. Well, I am very supportive of all efforts to expand vaccination, and I look forward to your continued partnership on that.

Now, I would like to discuss the Chief Medical Office reorganization, which has been one of my, and Chairwoman Roybal-Allard's top priorities over the past year. I am so proud that the fiscal year 2022 omnibus included our provision allowing for the establishment of a new executive management office, led by the CMO to better lead and coordinate the Department's medical and public health priorities and operations.

The current structure where the CMO reports to the countering weapons of mass destruction office, instead of directly to you, sir, has led to disjointed and isolated medical efforts in the Department. I know it is early, but can you share with the committee any plans and timelines you have for developing this new office?

Secretary MAYORKAS. Congresswoman, thanks to you and thanks to the chairwoman for supporting this effort. It is reflective of our desire to bring greater integration to the entire Department, and in this mission set, it is so imperative.

It is thanks to our Chief Medical Officer, other physicians, and other personnel that we have been actually able to provide medical care, and to meet the needs of our workforce, and the public whom we serve effectively, despite a sub-optimal organization.

We are developing detailed plans. We look forward to working with you in this committee on the execution of those plans, and we are doing so as rapidly as possible. This is a really terrific opportunity for us, and we are grateful that you have created it.

Ms. UNDERWOOD. Thank you. I yield back.

Ms. ROYBAL-ALLARD. Mr. Palazzo.

Mr. PALAZZO. Thank you, Madam Chair and Ranking Member, for holding this hearing. Secretary Mayorkas, thank you for taking the time to speak to us today.

As you may know, my district lines the Mississippi Gulf coast and has two ports of entry where CBP agents are stationed. We have two U.S. Coast Guard, small boat stations. And we have got what I believe to be two of the greatest ship builders in America right in my backyard. One building the National Security Cutter and the other building the first polar security cutter in over 50 years.

And so I would like to extend an open invitation for you to visit the Mississippi Gulf coast at any time. I would like to be a part of your trip.

The last time you testified before this subcommittee, I had just returned from a trip to the southwest border with several members of the border security caucus. I am appalled by the fact that it has been a year since you sat before us last, and the only change regarding the situation at the southwest border is that the situation has gotten much worst.

This administration's lax policies in opening the border is not just to allow immigration to occur. It has opened the flood gates for nefarious activity and burden to DS agencies that have the responsibility to respond. And this isn't just affecting the border, but it is also affecting local and state law enforcement all across America. Not just border states.

The CBP agents I spoke with while visiting the border begged us to fight for the continuation of Title 42, because their facilities and their staffing levels cannot handle the massive influx that would occur if they were reversed. How can this administration literally file lawsuits to keep CDC COVID-19 protocols inflicted on American people in planes and public transportation, but alternatively want to drop the COVID-19 protocol for non-citizens/immigrants under Title 42 at the border?

Secretary MAYORKAS. Congressman, thank you, first of all for your kind invitation to visit your jurisdiction, and I will accept that invitation and look forward to joining you there, and I cannot overstate the importance of the National Security Cutters, and our appreciation for this committee's support for the polar security cutter, which is of such vital importance, especially as our arctic strategy becomes more important with other nations aggressions in that area.

Congressman, as I said at the very outset, Title 42 is an authority that the Centers for Disease Control and Prevention exercises. It is their authority exclusively and not ours. Our job is to implement plans according to whether or not that authority continues to be exercised in their decision making.

Let me be clear that we are mandating vaccines for individuals whom we encounter at the southern border. We are building our vaccination capacity, and those individuals who are not vaccinated are subject to detention if they are not already subject to detention for independent law enforcement means.

Individuals who cross our border are placed in immigration enforcement proceedings. They make claims for relief under our law. If they do so and those claims succeed, then they have established a legal basis to remain. If those claims do not succeed, then they are expeditiously removed from our country.

Mr. PALAZZO. The well-resourced cartels, gang members, human traffickers, and drug smugglers will exploit this crisis to further endanger American citizens. A group of 130 plus members of Congress wrote to you, calling on you to immediately take all legal and necessary actions at your disposal, which there are many, to secure the southern border, rectify the dangerous policies this administration has put in motion over the past year, and bring your agency into compliance with the laws passed by the United States Congress.

How much has it cost the Department of Homeland Security to cancel, pause, or otherwise halt construction of physical barriers along the southern border, authorized and appropriated by law?

Secretary MAYORKAS. Congressman, let me say a few things in response to your question, because we are implementing the laws that Congress has passed, and we are doing so effectively, focusing on the greatest public safety, national security, and border security threats.

We are exercising prosecutorial discretion, a long-established and long held best practice. We are doing so effectively to have the greatest law enforcement impact, number one. Number two, you mentioned the cartels, the transnational criminal organizations.

We have intensified our efforts to attack them and have done so in unprecedented ways. I welcome the chance to provide details with respect to how we are doing so. The Department of Homeland Security, is collaborating with other federal agencies and with state and local law enforcement agencies.

The majority of the wall projects rest in the jurisdiction of the Army Corps of Engineers. I believe that the cost of discontinuing those that we control is approximately \$72 million. And I will follow up with you to ensure the accuracy of my statement this morning. Thank you, Congressman.

Mr. PALAZZO. Yeah. Thank you. Please do. I yield back.

Ms. ROYBAL-ALLARD. Mr. Ruppertsberger.

Mr. RUPPERSBERGER. Thank you. Mr. Secretary, you have a very difficult job. I think right now you are dealing with the issues the way you should, and we hope to support you as much as we can.

To begin—at the request of the department, the FY-2022 Homeland Security Appropriations Act provided funds for an incident management assistance team, called IMAT, primarily for incidents that are not declared emergencies or disasters under the Stafford Act, or paid from the Disaster Relief Fund. That is called DRF. Acronyms everywhere.

I represent a coastal district which is prone to flooding. More than not, these events are not classified as major disaster declarations. However, it certainly doesn't feel that way to my constituents who live there. And as such, I am a big supporter of the IMAT model and would like to raise the program's profile in the committee.

Now, one, can you explain what IMAT is and what they do, and the status of the new team?

Secretary MAYORKAS. Congressman, we are so appreciative of your support of IMAT. IMAT brings different planning, preparation, and execution capabilities to bear in response to an incident. It is all about preparation, planning, response, and resilience, and the IMAT structure provides an integrated approach to that mission set.

Indeed, it is an authority that we have exercised in the context of natural disasters under the Stafford Act, but we are expanding it further, thanks to your championing that program.

I also should expand further, because the IMAT structure is the optimal way to address challenges, whether they be Stafford Act, outside the Stafford Act, natural disasters, or challenges of a different nature. That is why we are in the midst of developing the IMAT capability throughout the Department to address whatever challenges that we might face.

Of course, FEMA is most experienced in that, as is the United States Coast Guard. We are bringing that capability throughout the Department. That is one of our core initiatives in the 12 priorities that I outline for Fiscal Year 2022, six of which are built on organizational advancement, six of which are focused on mission advancement.

Mr. RUPPERSBERGER. And you mentioned FEMA. Why is it beneficial for FEMA to have an IMAT team that is not funded by DRF?

Secretary MAYORKAS. Because, Congressman, FEMA addresses so many different types of challenges. Some fall within the Stafford Act declaration construct, and some don't. To your point that you made at the very outset, to your constituents, the Stafford Act isn't necessarily the line that they draw when they are confronting a challenge that jeopardizes their well-being.

Therefore, that is not the best line to differentiate when the IMAT capability is brought to bear to address a challenge.

Mr. RUPPERSBERGER. Can this team be used for disasters and emergencies declared under the Stafford Act, if needed?

Secretary MAYORKAS. It certainly can, Congressman.

Mr. RUPPERSBERGER. There is plenty of flexibility there?

Secretary MAYORKAS. There is and we are building that capability to address all sorts of challenges. In fact, the southern border coordination center that I directed to be created to address the challenge at the southern border is led by an IMAT expert from FEMA who brings that capability to bear.

We are bringing together all of our capabilities across the Department to address that challenge and to address others.

Mr. RUPPERSBERGER. Thank you, and I yield back.

Ms. ROYBAL-ALLARD. Mrs. Hinson.

Mrs. HINSON. Thank you, Madam Chair, and thank you, Ranking Member Fleischmann. Thank you, Secretary, for coming before us today to answer our questions.

And I know the timing of this hearing is incredibly important, given the chaos that is happening at our southern border right now. We know those numbers from March were well over 200,000 encounters with illegal immigrants, a 500-percent increase over 2020, incredibly alarming to me and our communities.

I just did a townhall last week, heard from our local law enforcement. They see the federal government as failing at its mission at the southern border, and they are having to deploy resources locally to counter for that. It is frustrating to me that I feel like here we are again after a year. We were given these warnings a year ago about the situations, not only at our border communities for our law enforcement officers, not only down in Texas, but in places like Iowa, who continue to raise the alarm that this crisis has worsened.

And so I think this is a direct result, the compounding that we are seeing at our southern border of this problem, of this Administration's policies. I think it is ludicrous that you are saying comprehensive and deliberate strategies since January of 2021, and yet here we are, with a worsening and compounding crisis at our southern border.

So I had a chance to visit the southern border last April. I had a chance to connect with Customs and Border Patrol agents in the Del Rio sector. We know Title 42 has been a very useful tool for border patrol to help process people at our southern border. I heard that directly from agents. They were asking for this to be permanent.

I think if our President and our Vice President also had a chance to go down and see this in person, they would hear that directly

from them as well. So I would ask you to convey that to the President and the Vice President that they need to go see it in person as well.

Because of this policy, we are hearing from the DHS inspector general, General Cuffari, was before our committee a few weeks ago as well. He said there are 100,000 migrants waiting for this policy to end, just sitting there. We know that number is going to increase as well. And when we see Border Patrol because severely undermanned, and I know you are asking for more agents, but when 60 percent of them are not doing their job as intended, that is a huge hole.

So have you talked to Border Patrol agents on the ground at our southern border? What are they telling you about the end of Title 42, and the anticipation of that policy changing? We would be interested in what you are hearing from the agents.

Secretary MAYORKAS. Congresswoman, thank you so very much. I have much to say in response to the statements that preceded your question but allow me to respectfully disagree with much of what you said, and to just answer your question.

As I said earlier this morning before this committee, I visited the border eight times now in my role as Secretary, and I have visited it previously in my role as the Deputy Secretary and in other capacities throughout my more than 20 years in federal service.

The Border Patrol agents are doing their job every single day. We need to get them out in the field to interdict individuals who are seeking to cross our border illegally. That is why, as I have said previously, we are ramping up the case processing capabilities to get those Border Patrol agents out into the field.

Some certainly of the agents have said to me that Title 42 has been of utility to them, despite the level of recidivism that Title 42 can prompt. Please remember that under Title 42, individuals are expelled, they are not formally removed in immigration proceedings, and therefore, they do not have a record of removal. What we are seeing is the number of encounters, not necessarily the number of unique individuals reflected in the numbers that you have cited.

Some of the agents have requested Title 42 remain, and I have explained to them, as I have shared with this committee that the law provides that that is a public health authority, not an immigration policy, and the CDC controls the exercise of that authority according to its assessment of the public health need.

Mrs. HINSON. So if CBP is understaffed, and agents are in many of these cases coming to you and saying, hey, we probably need this policy to be permanent, how does this work with ICE? We know ICE beds are underutilized right now. These agencies should be working together to handle this increased influx. What are we doing with the additional ICE beds and the detention beds for the people who are being brought into a country and who are not being expelled quickly?

Secretary MAYORKAS. Congresswoman, U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement are working hand in glove as part of the SBCC, the Southern Border Coordinating Center, and they worked hand-in-glove before I directed the creation of that center.

The tension is being used in furtherance of our prosecution efforts. We focus our detention resources on the greatest public safety, national security, and border security threats. That is where we have the greatest law enforcement impact, and we continue to exercise our detention authority, our prosecution authorities in the service of those three primary goals.

Mrs. HINSON. Thank you. I will yield back.

Ms. ROYBAL-ALLARD. Mr. Quigley.

Mr. QUIGLEY. Thank you, Madam Chairman. Thank you, Mr. Secretary.

Mr. Secretary, I represent Chicago, Ukrainian Village, and one of the largest Ukrainian populations in the country. They want to know how to get Ukrainian refugees there. Let's start at the border in that regard.

What is your understanding of the numbers of Ukrainian refugees that have come to the southern border here, and how many have been processed, and how many remain?

Secretary MAYORKAS. Congressman, thank you very much for your concern about the Ukrainians who have fled their country, which has been so brutally attacked.

We have focused resources on the port of entry at San Ysidro, where the majority of Ukrainians who flew to Mexico with the hope of entering the United States assembled.

We have drawn down that population of Ukrainians dramatically. We surged resources of U.S. Customs and Border Protection. I will provide you with the specific details and the numbers that you have requested. But let me, if I can, take a step back, because our efforts are extensive with respect to providing humanitarian relief for individuals who have fled war torn Ukraine.

We deployed refugee affairs officers to the region immediately to be able to begin to administer refugee applications to Ukrainians. We just stood up Uniting For Ukraine, a very innovative humanitarian relief program that makes humanitarian parole available to Ukrainians who have a sponsor in the United States.

We also assessed humanitarian parole requests on an individualized basis before we stood up the Uniting For Ukraine program. The Department of State recently issued guidance with respect to the issuance of visas for Ukrainians who want to come to the United States temporarily, understanding that their hope is to be able to return to their country and enjoy the sovereignty that is part of our international norms and our international architecture.

I very much appreciate your concern for the people of Ukraine.

Mr. QUIGLEY. No, and I appreciate your mentioning all of those coming from war torn countries. It is my hope, indeed, that the millions who have left the Ukraine shines a light on the problem worldwide. And obviously, we should care just as much about those leaving Afghanistan, Africa, Yemen, and so forth. And I appreciate your efforts there.

Again, we are curious, the number of Ukrainians who have come through the southern border, how many are still waiting. And there was concern among my constituents that Unite for Ukraine would say we are going to do this, but at some point, we are going to stop allowing this through the southern border.

Could you explain what that situation is and how we are alerting people about that possibility?

Secretary MAYORKAS. Thank you very much, Congressman. I should say that in addition to the efforts that I articulated in response to your first question, we of course also granted temporary protected status for those Ukrainian nationals who are already resident in the United States because it is not safe, of course, to return to their country at this time.

We believe that if Ukrainians fleeing Ukraine want to come to the United States and to seek humanitarian relief here in the United States, the most effective, efficient, and assured process is to proceed through our means that I have outlined directly, and not to go to the southern border to Mexico, and enter through a port of entry. That is not the way to do it, and—

Mr. QUIGLEY. But you—excuse me. You can appreciate the fact that they are in the middle of a war and they are making decisions in a hurry.

Secretary MAYORKAS. Yes. And—

Mr. QUIGLEY. So how are we messaging through Ukraine and places like Warsaw and other countries that they would leave from, to understand what the other options are?

Secretary MAYORKAS. We are messaging that not only to the Ukrainian diaspora already present in the United States, but we are messaging that through our public communications in the region through our international partners, through our consular officers. We are indeed getting that word out.

Mr. QUIGLEY. And the word about how to use Unite for Ukraine.

Secretary MAYORKAS. Correct. How to use Uniting for Ukraine, how to apply for a visa, what is the availability and means of accessing our refugee program and all of the different humanitarian channels that we have made available.

Mr. QUIGLEY. Thank you.

Ms. ROYBAL-ALLARD. Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Madam Chair and the ranking member. And thank you, Mr. Secretary, for being here this morning.

I want to follow-up on the Ukraine refugee issue. We have a large influx that have come across the Southern Border in my district now and I was really glad to hear, I think it was last Monday, when the Uniting for Ukraine was laid out because we had heard the commitment to bring 100,000, but there hadn't been any rule-making for that, I suppose.

So my question is, in light of the fact that we still have Afghans, 6 months, who are trying to come through the same process, how long do we expect the Ukrainians to have to wait to be able to properly come through to America, as well? Do we have an idea on how long that is going to take?

Secretary MAYORKAS. Congressman, thanks so much for this important question.

We are focused on meeting the urgency of the moment and we did exactly that through Operation Allies Welcome in which we were able to build a parole program where the parole determinations, according to law, were made on an individualized case-by-

case basis. We paroled more than 73,000 Afghan nationals within a matter of weeks.

We intend to design and are designing our program and, are underway in its implementation to meet the urgency of the moment, with respect to the needs of Ukrainians who fled their war-torn country. We are prioritizing that.

I cannot overstate the challenge, because, please remember, the agency that is on point for that, U.S. Citizenship and Immigration Services, within the Department of Homeland Security, has not had adequate funding for more than 7 years. It was entirely dismantled and we are in the process of rebuilding it.

What the workforce of that agency has done, characteristic of the workforce throughout the Department of Homeland Security is truly extraordinary.

Mr. RUTHERFORD. But those same USCIS employees are being surged to the Southern Border to now process those people. So, you are exacerbating the situation with USCIS.

So, my question—two questions on Ukraine, still. Those that are under the parole situation in Uniting for Ukraine, what benefits are those individuals in my district, what—other than being able to work through, you know, a work authorization, are they going to receive other benefits, can you tell me that?

Secretary MAYORKAS. Congressman, let me, if I can, just address very briefly the statement that you made after my first response. We are not dealing only with a broken immigration system, we are dealing with a broken immigration system that was dismantled in its entirety in the prior administration, and we are rebuilding it.

With respect to the Ukrainians, those individuals who are granted parole are able to apply for work authorization and are able to work lawfully in the United States. They gain lawful presence. They are not entitled to all of the benefits, of course, to which American citizens are entitled and I could—

Mr. RUTHERFORD. Not all. But are there—can you give me a list of those benefits that they do have a right to so that we can be sure that the—you know, I have a lot of Ukrainians in my district and I want to make sure that we are doing all we can for them.

Secretary MAYORKAS. Congressman, I so very much appreciate that, and I will provide you with that list subsequent to this.

And I should say that we are working very closely with the private sector to partner—

Mr. RUTHERFORD. NGOs.

Secretary MAYORKAS [continuing]. Yes, NGOs, and not only that, but the business community, to match individuals with jobs for which they qualify, any to address any housing needs that they might have. We have exercised these capabilities very heavily through Operation Allies Welcome and what we did for the Afghan nationals we continue to do. We draw lessons from that capability and apply them to other urgencies, and I would be pleased to walk through that with you.

Mr. RUTHERFORD. Thank you.

Madam Chair, I see my time is expired. I yield back.

Ms. ROYBAL-ALLARD. Mr. Aguilar.

Mr. AGUILAR. Thank you, Madam Chair.

Thank you, Mr. Secretary, for being here.

Mr. Secretary, I wanted to return briefly to the discussion of ending Title 42. Like my colleagues, I believe that we need to manage our Southern Border in an orderly fashion; however, we must ensure that we treat migrants at our borders with compassion, dignity and respect, regardless of the country that they are traveling from.

Yesterday, the Department released their plan for the Southwest Border Security and Preparedness, which demonstrates ways to process migrants safely and quickly. The plan details how DHS is coordinating with NGOs and local stakeholders.

So, my question is, can you provide some additional clarity and detail about the engagement that DHS is making with NGOs and stakeholders on our Southern Border, what types of engagements have been made at the border, as well as in communities where migrants might be placed with case management and ATD alternatives to detention services.

Secretary MAYORKAS. Congressman, thanks so very much.

One of the most powerful examples of how we have worked with the NGO community across the Southern Border is in the dispensation of medical care to the migrants in need. We built and entire architecture with—through the capabilities of our Chief Medical Officer and his team, to have NGOs and nonprofit organizations build the capacity to test, isolate, and quarantine migrants, and also be able to reimburse them for their expenses through our FEMA programs that are pass-throughs through the state when the states were cooperative with us.

That is a shining example of how we leveraged civil society, non-governmental society to assist in addressing the needs of individuals. We are taking that example and are applying it in other respects, as well: other types of medical care, social service needs, and uniting with family members here during the pendency of immigration enforcement proceedings. We are working with the NGOs across the border, and we are also very focused on communicating more robustly with state and local communities and seeing how we can support them and how we can better coordinate with them across the enterprise.

Mr. AGUILAR. Thank you.

The plan that you release also talks about a successful pilot program on en-route processing. As the name alludes to, this program allows CBP to process individuals in transit to NGO shelters or to the border.

Can you elaborate on this program and the efficiencies that it will bring to processing migrants, what type of metrics you look at and utilized to determine whether this is successful and how we scale this up and the guardrails that are in place to make sure that individuals can still make a case for credible fear during the en-route processing, as well.

Secretary MAYORKAS. Congressman, this is one element of an overarching effort to bring greater efficiency to the processing of individuals who we encounter at the border. I have spoken my plan and it is in greater detail; of course, our digitizing A files to bring greater efficiency.

En-route processing is a very practical solution to a compelling need to decompress Border Patrol stations. I have said time and

time again, for example, that the Border Patrol station is no place for an unaccompanied child. It is also no place for overcrowding.

For individuals who are going to be in transit from a Border Patrol station, perhaps for several hours, why not take some of the processing that we would perform in the Border Patrol station and actually equip our personnel, our case processors to perform some of that processing while those individuals are in transit, away from the Border Patrol station and to one of our other facilities, for example. That is just practical efficiency.

We are piloting it with the hope of scaling it, not just to meet the Southern Border challenge, but to actually decompress Border Patrol stations on an enduring basis. That is the type of efficiency that we are creating as we meet the challenge at our Southern Border.

Mr. AGUILAR. What are the metrics that you are looking at? How will you define success and scale this pilot up?

Secretary MAYORKAS. The success is the impact that we will have in the decompression of the Border Patrol stations—

Mr. AGUILAR. Measured by hours of processing?

Secretary MAYORKAS. Yes. The speed with which—and I was able to say, Congressman, the speed with which we process. And one thing is very important to emphasize and I cannot overstate its importance: without compromising the accuracy and security of the processing that we undertake.

Mr. AGUILAR. Thank you, Mr. Secretary.

Thank you, Madam Chair.

Ms. ROYBAL-ALLARD. That concludes the first round of questioning, so we are going to go into a second round.

I would like to go back to the impact of Title 42. And my question has to do with how you will process 18,000 migrants per day while keeping a time in custody below the 72 hours and still be able to ensure due process without compromising a necessary vetting.

Secretary MAYORKAS. Madam Chairwoman, the 18,000 is not projected. As I mentioned, we just built that scenario so that we can plan for different scenarios. We scale it at different levels and plan accordingly to be able to ensure that our preparations, our extensive presentations are comprehensive.

There is no question that if we encounter 18,000 people in a single day, that we will seriously strain our capabilities. I just need to be clear in that regard.

You mentioned the 72-hour legal time frame and that applies to unaccompanied children specifically. And we provided in March of 2021, the capability that we could have when we see a number of unaccompanied children encountered at our Southern Border.

What we did is we deployed our expertise and our personnel. As Congressman Ruppertsberger mentioned, the IMAT team, we brought that capability to bear to build greater capacity in Health and Human Services to shelter those individuals, and greater efficiencies in the Department of Health and Human Services to unite those unaccompanied children with a qualified parent, legal guardian, or family relative.

From those lessons that we developed in March of 2021 and in the ensuing weeks, the capability that we brought to bear to the

Department of Health and Human Services, we applied those in our operational planning now and we will implement them accordingly.

Ms. ROYBAL-ALLARD. Is there a plan to ensure that all migrants not placed into expedited removal will be fully processed and given a confirmed court date on their notice to appear?

Secretary MAYORKAS. Madam Chairwoman, I believe that there is a Supreme Court precedent that requires certain details to be included in a notice to appear, and we will comply with the law as we always do.

Ms. ROYBAL-ALLARD. Okay. And will migrants who are released be enrolled in alternatives to detention and will they be provided with case management services?

Secretary MAYORKAS. Madam Chairwoman, if I can, just take a step back and emphasize one point, that individuals who are encountered at the Southern Border are placed in immigration enforcement proceedings. Those who pose a public safety threat, a national security threat, a threat to border security, are placed in detention.

We have increased our capacity to apply alternatives to detention and we continue to augment those resources, thanks to the support of this committee. We will apply alternatives to detention.

We are seeing a responsiveness rate that is very high as we exercise our alternatives to detention in our supervisory capabilities. We are doing everything that we can to ensure that individuals check in with ICE and appear for their proceedings.

If individuals abscond, then we will deploy our enforcement resources to address that absconding and that failure to comply with legal requirements.

Ms. ROYBAL-ALLARD. My next question has to do with the fact that over the last month and up until last week, CBP implemented the humanitarian parole process for Ukrainians, which was—recently, our colleagues just was talking about. And you worked extensively, as was said, with the NGOs to process up to 1,000 Ukrainians per day at the San Ysidro Port of Entry.

Last week, the administration announced a new process for Ukrainians to apply for humanitarian parole prior to seeking admission to the United States, as was previously mentioned. It seems to me that the large number of Ukrainians processed through San Ysidro seems to demonstrate that there is a much larger capacity for processing, LPOEs that many have assumed in the past.

Do you agree that we should be processing more migrants, especially asylum-seekers, through the land ports of entry, and if so, what are the Department's plans for doing that?

Secretary MAYORKAS. Madam Chairwoman, the question goes to one of the elements of the six-pillar plan that I reflected in the memorandum issued yesterday. One of the elements of efficiency that we outlined in one of those six pillars is, in fact, enhancing and increasing port of entry capacity to process individuals encountered at the border, trying to drive individuals to a safer, more orderly means of applying for asylum, as our laws recognize.

We used a virtual platform that we created to address an emergent situation created by the past administration and that was the

Camp Matamoros, which had individuals living in squalid conditions and suffering untold horrors, criminal horrors. We developed a platform where they could register, they could be interviewed by international organizations, and assisted by non-governmental organizations in Mexico. And once they pass that screening, could actually be transported safely at a designated time at our port of entry for processing.

We are taking that virtual platform, CBP1, is how we have termed it, and see how we can expand it to address the challenge at the Southern Border and maximize the efficiency of processing at the ports of entry.

Ms. ROYBAL-ALLARD. Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Madam Chairwoman.

Thank you, again, Mr. Secretary.

Mr. Secretary, Border Patrol stations were designed for the short-term detention of single-adult males, not for the family units and unaccompanied children crossing the border. Those stations are strained to the point where we have to shuttle migrants to other parts of the border just to keep up with processing.

Every Border Patrol agent stuck processing migrants, providing security in a soft-sided facility, or attending to the basic humanitarian needs of those detained is not out in the field performing the law enforcement role they are paid and trained for. There are impacts to our ability to interdict drugs and criminal organization as a result.

Your plan released late yesterday speaks to the backfilling with civilian personnel, but that drains resources from other components or requires a lengthy hiring process.

Mr. Secretary, what is your long-term plan to get more agents in the field? Thank you.

Secretary MAYORKAS. Congressman, thank you so much.

As I outlined, the hiring of personnel, contract personnel does not drain other resources, other personnel resources in the Department of Homeland Security. And our Fiscal Year 2023 budget is a powerful example of how we are seeking additional resources from Congress to establish a more enduring solution than mere reliance on contractual personnel.

We have requested funding for 300 more Border Patrol agents and we have requested funding for full-time case-processing personnel. We look forward to, and hope for, this committee's support of our Fiscal Year 2023 budget request in that regard and in all regards.

Mr. FLEISCHMANN. Mr. Secretary, the administration tried to roll back the Migrant Protection Program, which requires migrants to wait in Mexico for their court hearing, but was required, by court order, to reinstate the program. The Migrant Protection Program was used extensively by the last administration, but on average, only a handful of migrants are enrolled each day currently in any given Border Patrol sector.

Why is the administration enrolling such a small number of migrants in this program, sir?

Secretary MAYORKAS. Congressman, I am familiar with the migrant protection protocols, the common language used to describe that is the "Remain in Mexico" Program.

Mr. FLEISCHMANN. Correct.

Secretary MAYORKAS. And I think it is very important to understand that our implementation of that program requires a bilateral relationship. We need the collaboration of Mexico in the administration of that program.

I have articulated, quite clearly and quite strongly, our disagreement with that program and I think what resulted from the prior administration's execution of that program underscores the reasons why I so significantly and ardently oppose it. We received, for example, a report of more than 1,500 incidents of murder, rape, torture, and other crimes committed against the individuals who were subject to Remain in Mexico program.

We are working with Mexico to administer that program in good faith, as we are required to do under the Court's order, and to do so in a way that reflects and adheres to our values as a nation.

Mr. FLEISCHMANN. I think I am going close on my time, so Madam Chair, I think I will yield back. Thank you.

Ms. ROYBAL-ALLARD. Mr. Cuellar.

Mr. CUELLAR. Thank you, Madam Chair.

Mr. Secretary, I think there are three stakeholders that we need to listen to, besides Congress, about the border issues: as you know, the immigration activists, number one; and number two, our men and women at the border; and number three, our border communities.

I appreciate when you visited us down there at the border in McAllen and you heard from mayors, county judges, county commissioners from Del Rio, all the way down to Brownsville, covering Tony Gonzalez, myself, Filemon Vela, and Vicente Gonzalez's district. And if you recall, my border folks, public officials were quite animated. I think now they are probably a little bit more animated because of what is happening on the border. And you recall, everything I say is pretty much—I repeat what they told you and sent from our men and women down there. So, I would ask you to continue to spending time, and I appreciate all the visits you have done, listening to our border communities, because there is a lot of concerns down there.

Now, let me ask you a couple questions. And I have looked at your plan and, again, I think this plan can work if it is implemented right. By that, I mean is, you keep mentioning the broken system, I guess the Trump administration did, but there was not any legislative changes. It was whatever the administration did.

You can fix whatever they did, I assume, number one. But if I take you back to the Secretary Jeh Johnson and Obama, they were able to treat the migrants with respect and dignity, but at the same time, when the law said you have got to send them back, they sent them back. In fact, I worked with Secretary Johnson on showing images of people being returned to Honduras and the first lady being there and taking them in.

Now, it is like we are afraid to show images of people going back. You all deport hundreds and hundreds and hundreds of thousands of people, but all we see is images of people coming into the United States and no images of people going back when the law has to be enforced. And on top of that, there are over one million final depor-

tation orders that have still not been executed, plus the 1.6 million people who are still waiting on immigration.

The reason I say that is, looking at your plan, if you look at the expedited removal, if you use Title 42, it will take from 1 to 2 hours. If you use Title 8, it will take from 24 to 48 hours.

What is your vision of “expedited removal” once Title 42 does go away?

Secretary MAYORKAS. Congressman, you will recall, of course, that I served as the Deputy Secretary—

Mr. CUELLAR. Correct.

Secretary MAYORKAS [continuing]. When Jeh Johnson served as the Secretary. And prior to that, I was the director of U.S. Citizenship and Immigration Services, and we have worked together for many years. And I appreciate your prior law enforcement service, as well as your service now.

Let me say one thing, because I certainly want to make sure that if you have a misimpression with respect to the publication of removals and our communication plan around those removals, that I put that misimpression to rest, because we are, indeed, communicating robustly in—throughout the region in the countries of origin with respect to the removals that we have effected and the consequence regime that we have imposed upon individuals who have crossed into our country, who have been encountered at the border, who have no legal claim for relief here in the United States. So, we are very robustly communicating those removals and those consequences.

Expedited removal is something that we are focused on very intensely, as I laid out in the plan, and, in fact, I raised in Panama, where I was last week, with other countries, our need to accelerate the receipt of travel documents and the other mechanics that allow us to remove individuals as quickly as possible. And we are receiving increasing cooperation from a number of countries in the region.

The benefit of expedited removal is actually captured in its term; the speed with which we can return individuals who have no basis here in the United States. And so, we are drawing increased efficiencies as the plan demonstrates and we are also working with our partners so that they can assist us in that regard.

Mr. CUELLAR. I have about 4 seconds before my time. So I gave you the expedited, I mean the time for the Title 42 and time for Title 8.

How much time would an expedited removal, and I will close with that.

Secretary MAYORKAS. I think, actually, the processing of a Title 42 matter takes more time than the processing of another encounter. I will get you that detail. I don’t want to misspeak and I will need to confirm.

Mr. CUELLAR. Thank you, sir.

Ms. ROYBAL-ALLARD. Mr. Palazzo.

Mr. PALAZZO. Thank you, Madam Chair.

This committee provided \$200 million in fiscal year 2022 to DHS for joint processing centers on the border. These are supposed to be one-stop centers for processing illegal immigrants, and in my view, the faster we can do this, the better, because it looks like we

are going to have, yet another year where our taxpayers are going to foot the bill for billions of dollars for temporary facilities, instead of having an actual solution.

Where is the Department on the plans for permanent joint processing facilities and when will they be built and what additional funding is needed in fiscal year 2023 to get them done?

Secretary MAYORKAS. Congressman I very much appreciate your support for the joint processing centers. We actually identify those as one element of our plan that is captured in my memorandum issued yesterday. We call them “enhanced central processing centers” in the plan because they it is a very able model. It drives efficiency to have different parts of the Department of Homeland Security in one place and actually to have the NGOs present there, as well, so we can administer the processing as quickly as possible.

And I will provide you with greater detail with respect to the implementation of those plans and very much appreciate your support for the centers.

Mr. PALAZZO. Well, my support is tepid, but it is out of a necessary requirement to handle the great influx of illegals, which I wish we wouldn’t have to have this permanent procedure, but it seems like we definitely need it now.

Secretary MAYORKAS. And that, Congressman, if I may?

Because the migration challenge, as I said at the outset, is a regional phenomenon, that is exactly why we are engaged so robustly with our partners to the south, to address migratory flows that run throughout the Western Hemisphere and throughout the world.

This is a very different situation than 10 years ago. We have more displaced individuals around the world than ever before. The extraordinarily powerful images, the desperation in Ukraine is, I think, the most poignant and heartbreaking example of that.

Mr. PALAZZO. Yes, sir, and I agree. And I wish we had more than 5 minutes to discuss this because I think you have a lot to add to the conversation, as well as members of this committee.

When we combine Homeland Security, there is 22 different departments. I am going to switch over to FEMA real quick, the National Flood Insurance Program, Risk Rating 2.0. FEMA is moving forward with implementing Risk Rating 2.0 for existing policyholders despite serious transparency concerns that I and others have raised surrounding the new premium rate system and its methodology.

I have reached out to FEMA multiple times seeking clarity for this new rating system, but our concerns have gone unanswered. Any failure to consider mitigation efforts and setting rates is especially concerning due to the estimates that thousands of Mississippi families will face NFIP rate increases for years to come, potentially making the cost of flood insurance unaffordable for some policyholders. Mississippi families, and families all across the nation to be accurate, should not be left holding the bill for FEMA’s inability to be transparent about the significant changes it is implementing.

There have been several letters sent to you and FEMA regarding concerns from members with districts across the United States. The transparency and premium increases to policyholders has been lacking. Was there ever any conversation within your agency to delay the implementation of Risk Rating 2.0?

Secretary MAYORKAS. Congressman, I am very disheartened to hear your concerns continue with respect to the transparency with which we are exercising the implementation of Risk Rating 2.0.

The goal of that program is actually to increase access to flood insurance and to recalibrate the premiums with that goal in mind.

One of the top priorities that I have set out for this Department is to increase openness—

Mr. PALAZZO. Yeah.

Secretary MAYORKAS [continuing]. And transparency and I am going to engage with you personally—

Mr. PALAZZO. Right.

Secretary MAYORKAS [continuing]. With FEMA to make sure that your constituents have the information they need.

Mr. PALAZZO. Our, you know, our number one goal is to make sure floor insurance remains affordable and available and this is going to hurt low to moderate income communities more than it will the wealthy.

I do have some bills and I do not know if you have had a chance to review H.R. 5793 and H.R. 5802.

I will get you those numbers. It is a bipartisan effort not just to reform NFIP but also to, you know, get a short term delay so these rates are not going to affect the—if the Chairwoman would allow me, I just have one quick question to—and I will end this. We do not have to go to round 3.

Ms. ROYBAL-ALLARD. Senator, go ahead.

Mr. PALAZZO. Thank you, Madam Chair.

In the time that AI have been in Congress, I have seen constant attacks against the Jones Act, my special interest group bent on allowing foreign ships and crews to push out American sailors and ship builders.

Last year, President Joe Biden signed a Made in America executive order strengthening federal buy American requirements.

The order explicitly emphasized the important of Jones Act shipping which stands as a rare presidential endorsement for the U.S. maritime sector in the days of the start of the new administration.

My question, simple. Do you support the Jones Act and are you committed to rigorous enforcement of the Jones Act?

Secretary MAYORKAS. I do and I am, Congressman, and I wanted you to know that the President's Buy American initiative is something that he is holding the entire Administration to.

We have strict protocols to which we must adhere and we do so quite proudly with respect to our contracting to make sure that we are, indeed, buying American. It is something we are very proud to be a part of.

I do believe in the Jones Act. I do support it.

I know I have waiver authority and we exercise that quite prudently in only cases of emergency as the Colonial Pipeline incident was one.

Mr. PALAZZO. All right. Well, thank you, Mr. Secretary. I yield back.

Ms. ROYBAL-ALLARD. Ms. Underwood.

Ms. UNDERWOOD. Thank you, Madam Chair.

Mr. Secretary, you previously stated that domestic violent extremism is the number one terrorist threat facing our country.

In your testimony, you stated that the intelligence community assesses that racially or ethnically motivated violent extremists who advocate for the superiority of a white race, including white supremacists, present the most lethal domestic violent extremism movement in the homeland.

Beyond designating domestic violent extremism as a national priority area for FEMA grant programs, what else is DHS doing to combat this terrorist threat?

Secretary MAYORKAS. Congresswoman Underwood, we do, indeed, consider domestic violent extremism the most significant terrorism threat facing the homeland.

Not only did I identify this area as a national priority area in the FEMA grant programs, but we have created a special section in the Office of Intelligence and Analysis to focus on this terrorism related threat.

We also stood up the Center for Prevention Programs and Partnerships with CP3 to work with communities to empower and equip communities to address this growing threat within their respective jurisdictions, recognizing that the community personnel are best situated to do so. Our job is to resource and support them with training, with funding and the like.

We very much appreciate this committee's support of the Non-Profit Security Grant Program and we have submitted in the President's Fiscal Year 2023 budget a further increase of that grant program to \$360 million from its currently appropriated funds funding now of \$250 million.

I was in Detroit several weeks ago meeting faith-based organizations and talking to them about how we can increase access to this critically needed grant program.

The quality of access was a core principle of ours where the under—the otherwise under resourced organizations might not have the wherewithal to access the grant programs and yet do not have any less of a need for them.

Ms. UNDERWOOD. That is right.

Secretary MAYORKAS. We are very focused on this mission set.

Ms. UNDERWOOD. Great. Another huge threat to our homeland is mis and disinformation.

You noted that it is a concern of yours at the border with human smuggling organizations peddling disinformation to exploit vulnerable migrants for profit.

One of my main concerns about disinformation is that foreign adversaries attempt to destabilize our elections by targeting people of color with disinformation campaigns.

After it became clear that there was foreign meddling in our 2016 election, the senate select committee on intelligence authored a report on the disinformation tactic used by Russia's internet research agency, the IRA, to interfere in the election.

The report found that "no single group of Americans was targeted by the IRA information operatives more than African Americans."

A newer trend that we saw in the 2020 election, and already in the 2022 mid-term, is that disinformation is being heavily targeted at Spanish speaking voters sparking and fueling conspiracy theories.

DHS, and its components, play a big role in addressing mis and disinformation in Spanish and other languages.

Can you share what steps you have taken and what future plans you have to address Spanish language mis and disinformation through department-wide approaches?

Secretary MAYORKAS. Congresswoman, we have a number of different offices engaged in this critical effort.

Of course, our cyber security infrastructure security agency has an entire effort focused on election security—

Ms. UNDERWOOD. Right.

Secretary MAYORKAS [continuing]. As part of its mission set.

Our Office of Strategy, Policy, and Plans also is a leading effort.

Our Undersecretary for Policy, Rob Silvers, is co-chair with our Principal Deputy General Counsel, Jennifer Gaskill, in leading a just recently constituted misinformation and disinformation governance board.

The goal is to bring the resources of the Department together to address this threat.

I just read a very interesting study that underscores the importance of the point that you make, the spread of mis- and disinformation in minority communities, specifically. We are focused on that in the context of our CP3 and other efforts.

Ms. UNDERWOOD. Sure.

Secretary MAYORKAS. I would be pleased to share more.

Ms. UNDERWOOD. But, Mr. Secretary, what I have heard you describe are internal organizations.

What we are looking for is to make sure that there is external communications with the American public, including those for whom Spanish is their predominant language, to make sure that the information that the department has around mis and disinformation campaigns is reaching those individuals.

Secretary MAYORKAS. Congresswoman, forgive me if I misspoke, but I have provided you the details of the internal structures that we are using to communicate externally to—

Ms. UNDERWOOD. Okay.

Secretary MAYORKAS [continuing]. The American public.

Ms. UNDERWOOD. Thank you very much. I yield back.

Ms. ROYBAL-ALLARD. Mrs. Hinson.

Mrs. HINSON. Thank you, Madam Chair. Thank you, Mr. Secretary again.

I want to talk now a little bit about taxpayer money because I am hearing again from Iowans on a regular basis. They are appalled by the mishandling of what has happened at the border and the resources that they send, their hard-earned paychecks. They care about what is happening with those dollars as do I and I hope you do, too, and we share that.

So, yesterday afternoon, you published this memo, right, this plan and I want to point specifically to page 11 and what you write there which is DHS is currently determining which federal agencies can provide support through an inter-agency agreement.

And this is concerning to me. We heard that the administration is considering moving healthcare providers from the VA, for example, doctors and nurses whose taxpayer dollars and their intent is to help care for our veterans.

So my question to you today is a yes or no answer. Is the department of homeland security planning to reallocate resources, doctors and nurses, from our VA system, intended to care for our veterans, to help care for illegal immigrants at our southern border?

Secretary MAYORKAS. Congresswoman, let me be clear because an inter-agency effort is precisely what the challenge of migration requires, and it is not specific to 2022 or 2021 nor to 2020 or the years preceding.

Mrs. HINSON. Right. I am just asking you a yes or no question.

Secretary MAYORKAS. Well—

Mrs. HINSON. Are you planning on taking resources away from our veterans to help deal with the surge at our southern border? That is a yes or no question.

Secretary MAYORKAS. Actually, Congresswoman, the resources that the medical personnel from the U.S. Department of Veterans Affairs would allocate to this effort is under the judgment of the Secretary of Veterans Affairs, who prioritizes the interests of veterans above all others for very noble and correct reasons.

Mrs. HINSON. Do you know if you—have you had any conversations about reallocating those resources?

Secretary MAYORKAS. I have not personally. But, of course, our teams, our personnel, have and I would be very pleased to follow up with you.

Mrs. HINSON. Yeah. Our veterans need to know that the care that they have earned is going to be provided to them and not to those at our southern border.

Secretary MAYORKAS. That is one—

Mrs. HINSON. The other thing I would like to ask you about, Mr. Secretary—

Secretary MAYORKAS. If I may, that is what the entire Department of Veterans Affairs is dedicated to do, and we have worked with the Veterans Affairs not only in addressing this challenge but in actually addressing the care and needs of those veterans who also have been experiencing the immigrant experience in the United States.

We have people who have served in our military before even being naturalized. We work very closely to care for the needs of veterans in our country.

Mrs. HINSON. Okay. Well, I would expect an answer specifically as to whether or not you intend to take those resources from our veterans because they are asking us those questions and we deserve—they deserve to have an answer from us specifically.

The other thing I want to talk about is taxpayer money that Congress has appropriated.

This is a picture from our southern border. Taxpayer money sitting and rusting. This is probably good American steel. It should have been used to fill the gaps in the wall that, in your memo, you mention are being exploited by the cartels right now.

So do you have anything to say to the taxpayers about this right here? These pieces of steel sitting there rusting while we have this crisis at our southern border?

How much has halting the wall construction cost American taxpayers because they are having to divert those resources to handle the surge?

Secretary MAYORKAS. Congresswoman, as I articulated earlier in this hearing, we have an obligation to spend the monies that Congress has appropriated for the wall. The way in which we are doing that is to achieve the safety and security of the American people and to do so in a responsible way.

We are also spending money addressing infirmities in the wall that was built overseeing corrosion and other failings.

It is a very complex picture. With respect to—

Mrs. HINSON. This is corrosion right here and this has driven people between the point of entries to the hands of the cartels in your own words.

So I think this is—to taxpayers, they see this as a huge slap in the face to see these pieces sitting there that could be used to actually deter people from coming into these— into our country, not at the points of entry.

The last question I had specifically is about the illegals that are coming into the interior and how they are being transported here.

How much does transporting migrants into the homeland cost our taxpayers right now and are they still being flown into our country?

Secretary MAYORKAS. Congresswoman, individuals who are transported from the point of encounter to detention are transported in different ways.

They are transported from the Border Patrol facility to an ICE detention facility.

They are transported by—

Mrs. HINSON. But they are also being flown into places like Iowa.

Secretary MAYORKAS. If I may, Congresswoman.

They are also flown to their countries of origin when they have been removed and their claims for relief have failed.

I would be pleased to provide you with the specific numbers, the expenses of the administration of our immigration system and the laws that we are obligated to honor, which we do.

Mrs. HINSON. Yeah. I want to know how much you are spending coming into the country, not to return them to other countries.

Thank you.

Ms. ROYBAL-ALLARD. Mr. Aguilar.

Mr. AGUILAR. A lot of places to potentially go but I feel compelled, Mr. Secretary, to also mention, I have heard some of my colleagues on the other side of the aisle, who I have a lot of respect for, not everybody who presents themselves in a processing center in the southern border is doing so for nefarious purposes.

And it is frustrating to hear time and time again the fact that they want to have conversations about how Ukrainians are treated at the southern border but using terms like illegals rather than those who are presenting themselves for lawful asylum.

It is frustrating. It is frustrating that the dual standard is in place.

I would also note, Mr. Secretary, I have been part of a number of trips down to the southern border when the prior structure was being built. Members of our own military showed us how they can penetrate these barriers quickly.

And we know that at the time they were constructed that they could be penetrated. This was done for show, that this—folks down

there know this, that there are many ways to help secure our borders and a physical structure is one component.

But, as you and the Department have said time and time again, there are other factors that can be more helpful.

And I wanted to ask you a question. You mentioned in country processing. One way to address the true issue of surging migration is to talk about root causes and expanding the ways individuals in countries could apply for legal pathways in their own countries so they will not have to make that dangerous journey to the southwest border.

In country processing is not new to DHS. In fact, DHS has been setting up infrastructure for in country processing that would allow migrants to apply for different immigration pathways legally and fairly.

Some might be supported in countries maybe in eastern Europe by all of our colleagues but this is done throughout other countries as well.

Can you give us an overview of where this is done in country, you know, where in country processing broadly stands and what authorities and resources you are going to need from Congress in order to meet those needs?

Secretary MAYORKAS. Thank you, Congressman.

Let me, if I can, preface my response to your specific question by commenting on the extraordinary benefits of technology and the dedication of technological capabilities at the border and that is precisely why our Fiscal Year 2023 budget invests significantly on technological assets.

So there are really 2 parts to your question; 1 is an enduring solution to the reason why people out of desperation flee their homes that they have built in the countries of their origin, in which they have been raised and that is addressing the root causes and this President, the Biden/Harris administration, has been very dedicated to addressing those root causes and investing in addressing them and doing so with civil society.

The other means is by developing safe, orderly and humane pathways so individuals do not have to risk their lives in the hands of smuggling organizations that exploit their vulnerabilities purely for profit.

And I think that a shining example of 1 such pathway is the Central American Minors program which we are scaling up where minors would not have to place their well-being or have their parents, desperate parents, place their well-being in the hands of smugglers and they can access our system should they qualify for relief here in the states.

We have developed a migrant processing center in the northern part of Guatemala for that very same purpose and we are expanding those programs as a pillar of a safe, orderly and humane system.

There is one other element, of course, that can provide an enduring solution which everyone agrees upon and no one has reached and that is legislation.

Mr. AGUILAR. And there are legislative solutions that the House has sent, in a bipartisan way, over to the Senate. And I agree with

you, passing legislation is always preferred in order to fix this issue.

Secretary MAYORKAS. If I may, Congressman, the President sent proposed legislation on the first day that he was in office.

Mr. AGUILAR. If we were to go down to the northern Guatemala processing center, what would that look like? What is staffing look like at the processing center?

Secretary MAYORKAS. I visited one of the processing centers, Congressman, and, at that time, what it was focused upon was actually the re-integration of Guatemalans whom we had removed under our authorities, a proof of a couple of very important points.

One is that those who do not qualify for relief under our laws will be removed and we do remove them and, two, to avoid recidivism we have to work with the countries of origin to make sure that those individuals can achieve stability in their lives so they do not feel compelled, out of desperation, to try again.

It is a very complex challenge and we have to address the root causes of it. Alternately, we have to build lawful or orderly humane pathways and then, once and for all, we have to fix our immigration system that has been broken for so very many years.

Mr. AGUILAR. Thank you, Mr. Secretary. I yield back, Madam Chair.

Ms. ROYBAL-ALLARD. Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Madam Chair.

Mr. Secretary, in September of last year, under your direction, ICE implemented new enforcement guidelines and these guidelines focused on the use of prosecutorial discretion.

And stated in there was it is estimated that there are more than 11 million undocumented or otherwise removable, non-citizens in the United States. We do not have the resources to apprehend and see the removal of every one of these non-citizens. Therefore, we need to exercise our discretion and determine whom to prioritize for immigration enforcement action.

And I can tell you, as a former sheriff myself, I know the limitations that budgets can put on you but 1 of the questions that I have and would like an explanation for is in fiscal year 2019, ICE deported 359,000 illegal aliens from the interior of our country. In 2020, 185,000 and that, and add about 4 years of Trump deportations in there, and then, the last year, last year, with the same resources, they only deported 59,000. What is going on?

Secretary MAYORKAS. Congressman, I can answer this question very succinctly but I want to take a step back if I may.

Mr. RUTHERFORD. Certainly.

Secretary MAYORKAS. Because I served as a federal prosecutor for 12 years; first as an assistant United States Attorney for almost 9 and then for the United States Attorney in the central district of California for about 3 years.

We had 186 criminal prosecutors when I served as the United States Attorney. We could have dedicated 186 of those prosecutors, every single one of them, to narcotics cases. We could have dedicated every single one of them to significant fraud cases.

But what we did with the resources that we had was we allocated those resources to have the greatest public safety impact in the many different areas for which we were responsible.

The concept of prosecutorial discretion, I know you are very familiar with it, as a former sheriff, is an underpinning of smart and effective law enforcement.

And I do not believe, and many people in law enforcement do not believe, that public safety is a quantitative metric but rather a qualitative one.

Mr. RUTHERFORD. But let me ask—

Secretary MAYORKAS. If one—if I may, if one takes a look at the removals that we have effected, we have removed more serious criminals than the prior administration did. I have data and I can provide you with that specific data.

Mr. RUTHERFORD. Mr. Secretary, what I would like to know is what is the resource need to get back to where we are focusing and have the prosecutorial capacity to deport 359,000 who need and should be legally deported.

Secretary MAYORKAS. This is all about maximizing the public safety impact of the resources that we do have. 46 percent of ICE removals were for people convicted of felonies or aggravated felonies compared to 18 percent during the previous 4 years and 17 percent the year before that.

Mr. RUTHERFORD. But here—

Secretary MAYORKAS. Forty-six percent.

Mr. RUTHERFORD. But, Mr. Secretary, if I can push back on that just a little bit.

That percentage of—is of a 4 times the size number. So I think America was much safer when we deported 359,000, whether they were for serious felonies or serious misdemeanors.

But 359 compared 59,000, that is not safer, I do not think. So—and I will leave that there but I would love to help you out with resources if that is what you need to get back to where we can, you know, see ICE deporting 359,000 people a year who need it.

Now—and let me move. My time is about out. Last question.

So you have talked a lot today about, you know, the fact that you are focusing on the irregularities of immigration coming from the south, talking to Panama and all of that. You have talked about targeting, disrupting the transnational criminal organizations, utilizing the NGOs more and more, administering consequences for unlawful entry, speeding up the CDP processing efficiency by adding those case processors and addressing the issue by surging people of the border.

And I think the answer to your question was yes on the VA.

And so my question is if this was all done, starting in September of 2021 according to your written testimony, and we still have these problems today at our southern border, I think if you asked probably two-thirds of the country, they will tell you the border is not secure.

And so my question is now we are about to lift Title 42 and I do not hear a plan to address that.

These things you have already implemented. These things are there now. What is going to change in response to Title 42?

Secretary MAYORKAS. Well, Congressman, we are building further and are implementing consistent with the 6 pillars that I identified in the memo that I published to make clear that we do have

a plan. We are preparing and have been preparing and we are implementing our plans.

We are building further. We are intensifying our efforts. We are increasing our efforts and are enhancing them.

We are not done.

Mr. RUTHERFORD. Okay. Madam Chair, I see my time is up. I yield back.

Ms. ROYBAL-ALLARD. Mr. Secretary, I do not know if there is any other comments that you want to make in terms of clarifying any other statements or concerns that have been raised at this time.

Secretary MAYORKAS. Madam Chairwoman, we are addressing very complex issues. I have a great deal to say. I look forward to engaging further with members of this committee, and I am deeply grateful to you and to Ranking Member Fleischmann and to the distinguished members of this committee for their support and your support of the Department of Homeland Security and the extraordinary 250,000 individuals who sacrifice so much each day to accomplish our mission.

Ms. ROYBAL-ALLARD. I understand there are I know other questions from members but I do want to ask one last question about an agency that is absolutely critical to our security and that is TSA.

The President's budget request proposes nearly 1 billion in additional spending to implement changes to TSA's pay structure and to extend collective bargaining and merit system protection to TSA personnel.

Can you explain what these changes are and why they are important?

Secretary MAYORKAS. Thank you, Madam Chairwoman.

The TSA personnel help to secure our country every single day. They also help facilitate lawful trade every single day. That is a very difficult job. They deserve to be paid commensurate with their colleagues in the Federal Government. They deserve collective bargaining rights like so many of their colleagues in the government. This is about parity and about recognition and about gratitude for their extraordinary service.

Ms. ROYBAL-ALLARD. And, with that, if there are no further questions, we will conclude today's hearing. Thank you very much, Mr. Secretary, for being here and I am sure we have other questions that we will be submitting to you for directorate and the subcommittee and Homeland Security stands adjourned.

Secretary MAYORKAS. Thank you.

[Answers to submitted questions follow.]

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE C.A. Dutch Ruppertsberger
Alejandro N. Mayorkas, Secretary, Homeland Security,
Department of Homeland Security
Committee on Appropriations
Subcommittee on Homeland Security
FY23 DHS Budget Request Hearing
April 27, 2022

Predictive Intelligence System

Background: It is our understanding that Customs and Border Protection, Coast Guard, and Homeland Security Investigations are leveraging a predictive intelligence system for maritime domain awareness to great success, resulting in more than \$1.5 billion in Jones Act penalties assessed and \$450 million in forfeitures and seizures in the last 14 months.

Question:

- Would you support a DHS-wide enterprise solution that provides a common operating platform for maritime domain awareness to promote deconfliction and information sharing among components and increase law enforcement efficiency?

Answer: Yes. The FY 2023 President's Budget requests a joint program office to address the data federation and information sharing challenges associated with this exact scenario, among others. The Integrated Multi-Domain Enterprise (IMDE) acquisition is aimed at delivering a platform to share/federate operational data, to include correlating and federating tracks of interest (sensor data), enterprise text chat functionality, component asset status, planning information, as well as pertinent law enforcement information. By dramatically improving access to common, aggregate data, IMDE will significantly enhance the Department's ability to obtain situational awareness and conduct joint operations across all operational domains (maritime, air, land, and cyber). This program also places emphasis on the significant policy, process, and governance issues DHS faces when trying to share operational information and data within the Department as well as with its Homeland Security Enterprise (HSE) mission partners. These issues present the

greatest hurdles in making data federation efficient and effective. When fully implemented, IMDE will be a force multiplier for DHS, enabling broad system interoperability and the implementation of common operational data across multiple, existing DHS information technology systems thereby maximizing decades of investments in information sharing capabilities, which remain isolated in single agency systems rather than made available for broad enterprise use by HSE operators and mission partners.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE Ashley Hinson (IA-01)
Alejandro N. Mayorkas, Secretary, Homeland Security,
Department of Homeland Security
Committee on Appropriations
Subcommittee on Homeland Security
FY23 DHS Budget Request Hearing
April 27, 2022

Subject

Background: The Customs and Border Protection (CBP) Preclearance program is a key element in the CBP's layered and risk-based approach to border and national security, while also expanding economic benefits of tourism, trade, and travel for the U.S. and partner countries.

Taiwan is an important partner in the Indo-Pacific region. It is currently a member of our Visa Waiver program and Global Entry and is also our ninth-largest trading partner. This rock-solid relationship is only growing in importance as the world order faces the growing challenge of authoritarian aggression. We believe it is important to continue to strengthen and expand our cooperation with such a strong democratic partner through the establishment of a CBP Preclearance facility in Taiwan.

In the Questions for the Record portion of your nomination hearing on October 19, 2021, you recognized the importance of America's partnership with Taiwan, expressed understanding of the significance that the CBP places on its Taiwanese counterparts, and promised to certainly review Taiwan's application.

Question:

- As the Customs and Border Protection has been working towards a goal of preclearing as many as one-third of U.S. bound travelers by 2024, we were wondering how do you prioritize preclearance expansion in the FY2023 budget request?

Answer: U.S. Customs and Border Protection (CBP) remains committed to Preclearance and is focused on ensuring that existing operations are running optimally. A major factor influencing current operations is the ability for CBP to staff those ports. CBP is currently facing low staffing across all Preclearance locations, principally because the pandemic has driven employees to remain at domestic ports rather than move overseas. Further, CBP is facing unprecedented budget constraints resulting from the decline in user fee collections throughout the pandemic. Resources to offset those budget constraints are being directed toward existing CBP operations to ensure that legitimate trade and travel continue unimpeded. Finally, Preclearance expansion requires significant investments by host airports and participating airlines. Prior to the pandemic, the costs of Preclearance were a deterrent for many partners; the financial disruption caused by the pandemic has only exacerbated these concerns.

Question:

- Do you think Taiwan is qualified to be one of the potential Preclearance locations in the Indo-Pacific region given our partnership and its significance as a regional travel hub?

Answer: CBP's vision for Preclearance expansion is to advance the layered border strategy to disrupt threats at the earliest points possible. In October 2020, Taiwan's Taipei Taoyuan International Airport (TPE) expressed its interest in hosting Preclearance. After a thorough review and comparing TPE's metrics against Preclearance's authorizing legislation, the *Trade Facilitation and Trade Enforcement Act of 2015*, and consulting with interagency partners, CBP has decided not to advance these Preclearance discussions. The composition of passengers traveling to the United States from TPE (54 percent are U.S. citizens, followed by 27 percent Taiwanese) are generally considered lower risk travelers. Compared to current Preclearance locations of a similar size, Taiwan's law enforcement metrics and homeland security indicators are low. This also means that TPE's participation in Preclearance would have almost no benefit to domestic operations because receiving ports already pivot to other, higher-risk flights when flights from TPE arrive. This, coupled with the costs that legally must be borne by CBP and the relocation of personnel away from domestic locations, has led to the determination that this application should not advance to the next stage of the Preclearance expansion evaluation process.

THURSDAY, APRIL 28, 2022.

**CYBERSECURITY AND INFRASTRUCTURE SECURITY
AGENCY**

WITNESS

HON. JEN EASTERLY, DIRECTOR, CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

Ms. ROYBAL-ALLARD. The subcommittee on Homeland Security will come to order.

Today's hearing on the cybersecurity and infrastructure security agency budget request for fiscal year 2023 will be conducted as a hybrid hearing. For any members joining virtually, speaking into the microphone will activate your camera and display your image on the main screen.

Once you start speaking, there will be a slight delay before your image appears on the main screen, but do not stop your remarks if you do not see the screen switch immediately. If the screen does not change after several seconds, please make sure you are not muted.

To minimize background noise and ensure the correct speaker is being displayed, we ask that members participating virtually remain on mute unless you have sought recognition.

Members are responsible for muting and unmuting themselves, however, I or staff I designate may mute participants' microphones when they are not recognized to speak to eliminate inadvertent background noise. If I notice when you are recognized that you have not unmuted yourself, I will ask the staff to send you a request to unmute. Please accept that request so you are no longer muted.

Members can submit information in writing at any of our hearings using the email address provided in advance to your staff. We will follow the speaking order set forth in the House rules beginning with the Chair and ranking member and then alternating by party beginning with members in order of seniority present at the time the hearing is called to order. So let's begin.

This afternoon we welcome the Honorable Jen Easterly, director of the Cybersecurity and Infrastructure Security Agency, or CISA. She is here to discuss CISA's operations and its fiscal year 2023 budget request.

Director Easterly, we look forward to a productive discussion this afternoon.

The threats facing our Nation's networks, including critical infrastructure, elections, emergency communications, schools, and public gatherings continue to evolve in complexity, sophistication, and scale that pose novel challenges and test our capacity to keep pace with our adversaries. We are in a moment in our Nation's history

where our response must urgently rise to the occasion to address these growing risks.

As the President stated in his executive order on improving the Nation's cybersecurity, incremental improvements will not give us the security we need, instead the Federal Government needs to make bold changes and significant investments in order to defend the vital institutions that underpin the American way of life.

Since my time as chairwoman of this subcommittee, I have taken this responsibility to heart. Taking opportunities to strengthen CISA's capabilities by bolstering funding for each of its mission areas to transform the country's capacity to defend against our adversaries, but I know there are no easy answers, and that funding alone will not close the gaps in our capabilities.

The problems we face are not just the Federal Government's responsibility to resolve. We need to work collectively with our State, local, Tribal, territorial, and private sector partners to study the threats, evaluate best practices, and develop and implement strategies to shore up our defenses.

Director Easterly, I have seen you and your staff work tirelessly towards these objectives. We owe each of you a debt of gratitude, whether it is responding to the new crisis de jour or working proactively with communities to provide needed advice and guidance. CISA has become a trusted agency, and I appreciate the discipline and dedication it has taken to get us there.

But there remains much work to do. As technologies change, our reliance on new technologies evolve and our adversaries seek to capitalize on any vulnerability they can find. We have witnessed that those who wish to do harm to the integrity of our elections have and will continue to deploy sophisticated, mis/dis and mal information campaigns, and we have seen the devastating need to prepare our communities for acts of domestic terrorism.

We cannot afford to shy away from the complexity and urgency of these challenges, yet we must be thoughtful and strategic in our response. Director Easterly, I look forward to hearing from you today on these issues and how Congress can help you better accomplish your mission.

I now turn to the distinguished gentleman from Tennessee, Ranking Member Fleischmann, for his opening remarks.

Mr. FLEISCHMANN. Thank you, Madam Chairwoman. And I really appreciate you having this very important hearing today.

Good afternoon. Thank you, Director Easterly, for joining us today. Sincerely appreciate this. You are in a very important position with CISA and thank you for joining us at our subcommittee.

Nefarious cyber actors and criminals are constantly acting government and private sector critical infrastructure systems and networks often for personal financial gain. Nation-states like Russia, China, North Korea, and others seek to harm our economy, steal intellectual property and defense industrial secrets, and degrade our ability to fight in conflict.

CISA is charged with the protection of the dotgov internet domain and to work with the Federal civilian executive branch agencies to harden our cyber defenses and protect our critical infrastructure against such threats.

As we have seen with the solar winds breach, perimeter security programs like Einstein, which was designed to detect external cyber attacks, have blind spots if the threat is already inside the network. Increased network visibility through continuous diagnostics and mitigation programs such as end point detection and response are key elements of our multi-layered cybersecurity defenses, but as important as these programs are, simple cyber hygiene measures are a critical line of defense and work to make it harder for persistent threat actors to penetrate our digital infrastructure.

Changing passwords on a regular basis, patching and updating software to account for known cyber vulnerabilities, and multi-factor authentication are simple but effective means of preventing cyber attacks. In fact, recent network breaches could have been thwarted or, at least, significantly mitigated simply with the use of complex and unique passwords combined with two-factor authentication.

In my view, CISA has grown rapidly over the past few years and has been in the enviable position of having been provided significant resources by Congress. Over \$1 billion in additional funding has been provided in just the past year. I look forward to better understanding CISA's plan for using those funds to protect our Nation's cyber and physical infrastructure in a smart and thoughtful way.

Attracting, hiring, training, and retaining individuals who have the necessary cyber skills, skills that are in high demand across the public and private sectors is necessary to defend against advanced and persistent threats to our network.

Even with ample resources, the latest cutting-edge cyber tools and personnel, CISA alone cannot mitigate every threat. Effective partnerships across the entire Federal Government, engagement with State and local entities, and robust communication with the private sector can reduce risk. Information sharing, especially of cyber threat indicators and vulnerabilities, is no longer optional because of how interconnected our digital world has become.

Joint private and public planning and collaboration that happens at the joint cyber defense collaborative brings together industry expertise and government information to facilitate better execution and implementation of cyber defense plans.

Maturing the JCDC will help identify and mitigate the risk faced by a growing number of sectors critical to the basic functioning of our country and safety of our citizens.

Thank you, again, for coming before us today and I look forward to our conversation.

Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Director Easterly, we will submit the full text of your official statement for the hearing record. Please begin your oral summary which, I ask that you keep to 5 minutes.

Ms. EASTERLY. Yes, ma'am. Good afternoon, Chairwoman Roybal-Allard, Ranking Member Fleischmann, members of the subcommittee, thank you so much for the opportunity to testify regarding our fiscal year 2023 President's budget for CISA.

I am really thrilled to be here as your partner in helping to safeguard and secure cyberspace in our Nation's critical infrastructure,

and I want to start by just thanking you all for your steadfast support in ensuring that CISA has the resources necessary to carry out this critical mission on behalf of the Nation. I am truly honored to come before you to discuss our budget because the budget that you have been—you have received really recognizes the criticality of our mission and provides the resources that we need to be able to achieve it.

Since being sworn in as Director about 9 months ago in July, I continue to be impressed with the talent, the creativity, the enthusiasm of my workforce. And as I share with them every day, this really is the best job in government. As the Nation's cyber defense agency, CISA serves as both the operational lead for Federal cybersecurity and as the national coordinator for critical infrastructure security and resilience, and we continue to work very closely with our partners across government, in the private sector, and with local communities to protect our country's networks and the critical infrastructure from malicious cyber activity and also to share timely and actionable information that will be relevant to help protect our networks.

The \$2.5 billion requested for CISA by the administration represents a marked increase. Nearly 18 percent more than last year's request, and it really recognizes our growing role in the security and resilience of our Nation, the confidence in our ability to execute, and the intent to ensure that we have the tools necessary to keep our communities safe and secure.

To effectively execute our role as the operational lead for Federal civilian, cybersecurity, the protection of the dotgov, we have to advance our ability to actively detect threats targeting Federal networks and gain granular visibility into the cybersecurity of Federal infrastructure. The budget provides Federal cybersecurity funding, an increase—a total of \$1.5 billion for CISA's cybersecurity programs and activities that enable CISA and our Federal partners to detect, analyze, mitigate, and respond to cybersecurity threats.

Within this amount, the budget includes \$71 million for the JCDC, as the ranking member just mentioned, to ensure that we can continue cyber operational planning and partner engagement that are so critical to our Nation's collective cyber defense. The budget also includes \$407 million for NCPS, \$425 million for continuous mitigation and diagnostics, very important for that Federal cybersecurity, to provide that technological foundation to really secure and defend Federal civilian executive branch networks.

Importantly, \$174 million to annualize what we got with the American Rescue Plan Act, incredibly important to continue again in protecting the dotgov. The budget also makes critical investments in mission enabling. As we grow as an agency and being the newest Federal agency in the U.S. Government, we have to grow commensurately in the engine that drives missions. So procurement, facilities, human capital, our budgeting, it is incredibly important to the success of everything we are trying to do to include the execution of our budget.

To support our operational capabilities, we have also asked for \$175 million in infrastructure protection, \$187 million for our growing field force that I am incredibly excited about, working on the frontlines with many of your constituents, \$170 million for our

emergency communications mission. It also fully funds our risk management activities to include \$115 million for our national risk management center that deals with things like securing our supply chains, incredibly important.

Finally, at the heart of our mission is partnership and collaboration, and that is why 72 million through our stakeholder engagement activities, fostering, collaboration, and coordination and really that culture of shared responsibility that is so important and foundational to our collective defense of the Nation.

As you all know, our Nation faces unprecedented risk. As you said, Chairwoman, we are at a specific moment in time and CISA is at the center of our national call to action. Collaboration with our government partners, critical infrastructure entities, our international allies, and with the support of the Congress, we will continue to make progress in addressing this risk and maintaining the availability of critical services to the American people.

In closing, I just want to take a moment, again, to recognize this committee's strong support for CISA. Your consistent efforts to fully resource and in many cases, enhance our operational capabilities in response to complex and evolving threats has made our Nation safer.

Thank you for the opportunity to appear before you today, and I look forward to your questions.

[The information follows:]



Testimony

Jen Easterly
Director
Cybersecurity and Infrastructure Security Agency
U.S. Department of Homeland Security

FOR A HEARING ON

**“The Cybersecurity and Infrastructure Security Agency Fiscal Year 2023
President’s Budget”**

BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON HOMELAND SECURITY

Thursday April 28, 2022

Washington, DC

Chairwoman Roybal-Allard, Ranking Member Fleischmann, and Members of the subcommittee, thank you for the opportunity to testify regarding the Fiscal Year (FY) 2023 President's Budget for the U.S. Department of Homeland Security's (DHS) Cybersecurity and Infrastructure Security Agency (CISA). The FY 2023 President's Budget of \$2.5 billion for CISA reflects our commitment to the broader DHS mission to safeguard our homeland, our values, and our way of life.

In today's interconnected society, our Nation faces a wide array of serious risks from many threats, all with the potential for significant consequences that can impact our critical infrastructure, the whole of the economy, and the American way of life. The critical functions within our society are built as "systems of systems" with complex designs, numerous interdependencies, and systemic risks. While this structure provides for significant gains in efficiency and productivity, it also provides opportunities for nation-state actors and criminals to potentially undermine our national security, economic prosperity, and public health or safety, creating cascading effects across our Nation.

CISA leads the national effort to understand, manage, and reduce risk to the cyber and physical infrastructure Americans rely on every hour of every day. Established in 2018 to be America's cyber defense agency, CISA works to build collaborative, trusted partnerships across government, industry, academia, and with our international partners to ensure the collective cyber defense of the Nation. At the heart of this mission is partnership and collaboration. Securing our Nation's cyber and critical infrastructure is a shared responsibility requiring not just a whole-of-government, but a whole-of-Nation approach.

As part of this mission, CISA plays two key operational roles. First, we are the operational lead for federal cybersecurity, charged with protecting and defending federal civilian executive branch networks (the ".gov"), in close partnership with the Office of Management and Budget, the Office of the National Cyber Director, and agency Chief Information Officers and Chief Information Security Officers. Second, we serve as the national coordinator for critical infrastructure security and resilience, working with partners across government and industry to protect and defend the nation's critical infrastructure. In both roles, CISA leads incident response to significant cyber incidents in partnership with the Federal Bureau of Investigation (FBI) and the Intelligence Community.

Safeguarding and securing cyberspace and our Nation's critical infrastructure is a core DHS mission. I am truly honored to appear before this Committee today to discuss how the FY 2023 President's Budget recognizes the criticality of our mission and provides CISA's exceptional workforce with the resources needed to achieve this mission. Since being sworn in as Director in July, I continue to be impressed with the talent, creativity, and enthusiasm of the dedicated CISA employees I am entrusted to lead. As I share with my team nearly every day, I have the best job in government.

FY 2023 President's Budget: Priorities

Looking forward into FY 2023, CISA will remain focused on strengthening our Nation's cyber and physical defenses. We will continue to work closely with our partners across every

level of government, in the private sector, and with local communities to protect our country's networks and critical infrastructure from malicious activity. We will continue to share timely and actionable information, intelligence, and guidance with our partners and the public to ensure they have the tools they need to keep our communities safe and secure and increase nationwide cybersecurity preparedness.

The FY 2023 President's Budget provides the resources needed to continue these efforts. From an agency-wide perspective, it is organized around three overarching themes.

First, this budget represents a significantly increased investment in CISA by the Biden Administration. The \$2.5 billion requested for CISA in FY 2023 provides approximately \$377 million or about 18% more than requested in FY 2022. The FY 2023 President's Budget recognizes the value of historical investments, and CISA's growing role in enhancing the security and resilience of our Nation, and confidence in our ability to execute.

Second, the FY 2023 President's Budget prioritizes federal cybersecurity. Most importantly, it includes \$174 million in new budget authority for CISA to continue the work established through the American Rescue Plan Act (ARPA) by expanding cybersecurity service offerings that protect federal networks against evolving cyber threats. These funds will allow CISA to expand network protection throughout the federal civilian executive branch and bolster cloud business applications, enhanced analytics, and stakeholder engagement. Placing this funding into CISA's base budget enables CISA and our partners to move forward knowing we can build on the progress made to date in critical operational and strategic cyber risk mitigation capabilities.

Third, the FY 2023 President's Budget makes critical investments in our mission enabling activities and functions that will mature the Agency and better support the execution of our operational capabilities. The Budget provides \$250 million for Mission Support, an increase of \$108 million above the FY 2022 President's Budget. This investment provides critical mission enabling initiatives including the establishment of CISA procurement operations, implementation of key cybersecurity improvements to CISA's own networks, expansion of workforce assistance offerings, and continued progress on the build out of CISA's headquarters facility at the DHS St. Elizabeth's Campus. We look forward to working with Congress to ensure robust resourcing for our mission enabling teams as they support the foundation of our operational efforts.

The FY 2023 President's Budget also provides for a number of more targeted investments focused on key CISA mission areas. I would like to take a moment to highlight a few of those investments and explain how they help strengthen our collective effort to protect the Nation.

Cybersecurity

CISA, our government partners, and the private sector, are all engaging in a more strategic and unified approach towards improving our Nation's defensive posture against malicious cyber activity. CISA ensures the timely sharing of information, analysis, and assessments to mitigate risk from and build resilience to cyber threats to infrastructure. CISA's partners include all levels of government, the private sector, and the public. Our approach is fundamentally one of partnerships and empowerment. It is prioritized by our comprehensive understanding of the risk environment and the needs of our stakeholders. We help organizations better manage their cyber risk.

The FY 2023 President's Budget includes \$1.5 billion for CISA cybersecurity programs and activities that enable CISA and our partners to detect, analyze, mitigate, and respond to cybersecurity threats. We share cybersecurity risk mitigation information with government and non-government partners. We issue guidance and directives to federal agencies, providing tools and services to all partners, and lead or assist in the implementation of cross-government cybersecurity initiatives. We are protecting government and critical infrastructure networks.

Within this amount, the FY 2023 President Budget includes \$71 million for the Joint Cyber Defense Collaborative (JCDC), an increase of over \$18 million more than the FY 2022 request, to ensure CISA can continue expanding the cyber operational planning and partner engagement activities so crucial to our Nation's collective cyber defense. Established in August 2021 and leveraging legacy authorities as well as those granted to CISA in the FY 2021 National Defense Authorization Act, the JCDC leads collaborative public and private sector cyber defense planning and cybersecurity information fusion and analysis to reduce cyber risks to the Nation.

The JCDC brings together key Federal Government partners, including the Office of the Director of National Intelligence, the FBI, the National Security Agency, U.S. Cyber Command, the U.S. Secret Service, and relevant Sector Risk Management Agencies (SRMAs), with private sector partners to build, exercise, and implement cyber defense plans to both actively and proactively address the most significant risks facing our country. While the JCDC was founded only nine months ago, we have already demonstrated how proactive planning can enable operational collaboration to drive risk reduction at scale. The core of this collaboration has been our JCDC Alliance partners, which include 25 of the Nation's largest cybersecurity and technology companies.

The JCDC allows these partners to help us see the dots, connect the dots, and collectively drive down risk to the Nation at scale. I would submit that the JCDC's unprecedented collaboration is making us more resilient. Thanks to the JCDC, we stand shoulder-to-shoulder with our industry partners. Over the past six months, we have formed partnerships and worked together to understand and manage cyber threats, including the Log4Shell vulnerability and those related to Russia's invasion of Ukraine.

The JCDC construct continues to mature, and our partnership model is evolving as well. As one example, we recently announced the addition of several new JCDC partners with particular expertise in identifying and mitigating cyber threats to industrial control systems.

Going forward, CISA will continue to build and mature the JCDC construct. We are focused on advancing our capability to create, exercise, and execute joint cyber defense plans. Our upcoming planning efforts focus on pipeline infrastructure; critical dependencies between the financial, energy, and telecommunications sectors; and collaboratively supporting defense of the Nation's election infrastructure in preparation for the midterm elections. The JCDC has demonstrated the promise of a new model for public-private operational collaboration: joint cyber planning—including deliberate and crisis action plans—through collaboration across the public and private sectors to prepare for and address the Nation's most pressing cyber risks, combined with integrated and institutionalized exercises to continuously measure and improve our combined effectiveness.

Through these collaborative efforts, we enable common situational awareness, information fusion, and analysis that equips public and private partners to take risk-informed coordinated action. This journey is not CISA's alone. We are embarking on a rapid evolution in concert with our partners across the interagency and the private sector, with a shared goal of advancing our nation's security and resilience at scale.

To effectively execute our role as the operational lead for federal civilian security, CISA must maintain and advance our ability to actively detect threats targeting federal agencies and gain granular visibility into the security state of federal infrastructure. To effectuate these goals, the FY 2023 President's Budget also includes \$407 million for the National Cybersecurity Protection System (NCPS) and \$425 million for the Continuous Diagnostics and Mitigation (CDM) program. These programs provide the technological foundation to secure and defend federal civilian executive branch departments and agencies against advanced cyber threats.

NCPS is an integrated system-of-systems that delivers intrusion detection and prevention, analytics, and information sharing capabilities. NCPS primarily protects traffic flowing into and out of federal networks. One of its key technologies is the EINSTEIN intrusion detection and prevention sensor set. This technology provides the Federal Government with an early warning system and improves situational awareness of intrusion threats with near real-time detection. While EINSTEIN has demonstrated value since its inception, we are evaluating modernization of NCPS, including a transition to providing security capabilities via commercial shared services. The FY 2023 President's Budget includes \$30 million for the deployment of a modern infrastructure and analytic environment that will enable our analysts to most effectively use increasing volumes of security data to identify and enable faster remediation of threats.

Even as we mature NCPS to advance our ability to detect and block threats, CDM remains a foundational capability for CISA and federal network defenders to identify cybersecurity risks within their networks, prioritize those risks, and mitigate the most significant ones first. The program provides federal agencies with a risk-based and cost-effective approach to mitigating cyber risks inside their networks and provides CISA with granular visibility to drive both strategic investments and urgent remediation, including by most effectively targeting our directive authorities. This includes \$73 million to expand the Endpoint Detection and Response (EDR) initiative across high-priority agency hosts and endpoints across the Executive Branch departments and agencies to support efforts to close remaining crucial gaps at large

agency enterprises and to provide visibility into unauthorized, potentially malicious, or adversary activity targeting Federal networks. First authorized by Congress in the FY 2021 National Defense Authorization Act and initially funded in the American Rescue Plan Act, broad deployment of EDR capabilities allows CISA to execute our persistent hunt authorities to actively and continuously detect and drive eviction of adversaries across federal networks.

Within CISA's cyber defense capabilities, the FY 2023 President's Budget also includes \$39 million for the CyberSentry program. Recently authorized in the FY 2022 National Defense Authorization Act, CyberSentry is a voluntary partnership with private sector critical infrastructure operators designed to detect malicious activity on the Nation's highest-risk critical infrastructure networks. CyberSentry is particularly focused on threats that attempt to move from an organization's business network to impact industrial control systems. The program allows CISA to operationalize sensitive threat intelligence to increase the speed of information sharing and produce real-time, effective, actionable information for critical infrastructure operators at risk from malicious attacks. The resources requested for FY 2023 will support growing CyberSentry operations and deploy capabilities to additional critical infrastructure partners to meet significant demand for the program.

Infrastructure Security

For infrastructure security, the FY 2023 President's Budget includes \$175 million for efforts to enhance critical infrastructure protection from physical threats through enabling risk-informed decision-making by owners and operators. Our activities include collecting critical infrastructure information, conducting vulnerability assessments, facilitating exercises, and providing training and technical assistance. The Infrastructure Security Division leads and coordinates national efforts on critical infrastructure security, including reducing the risk of targeted violence directed at our Nation's schools, communities, houses of worship, and other soft targets. As the Sector Risk Management Agency for the chemical sector, CISA also leads efforts to secure our Nation's chemical sector infrastructure, enhancing security and resilience across the chemical industry to reduce the risk of weaponization. The FY 2023 President's Budget includes an increase of \$4 million and additional personnel above the prior request for the planning and execution of additional cyber preparedness exercises in support of the JCDC, as well as to facilitate planning for Cyber Storm IX, the National Cyber Exercise, tentatively scheduled for Spring 2024.

Integrated Operations

The FY 2023 President's Budget includes \$187 million for integrated operations. Our Integrated Operations Division provides seamless and timely support to CISA stakeholders across the Nation. The Integrated Operations Division coordinates CISA operations at the regional level and delivers CISA capabilities and services to support stakeholders in preparing for, mitigating, responding to, and recovering from incidents effecting critical infrastructure. Additionally, Integrated Operations includes monitoring and disseminating cyber and physical risk and threat information; providing intelligence context to support decision making; and performing Agency-designated Emergency Support Functions.

In addition to increases provided through the annualization of ARPA activities, the FY 2023 President's Budget includes an increase of \$2.5 million above the prior request to support the deployment of additional Security Advisors to the regions. These additional personnel will expand CISA engagement with FBI cyber task forces in victim notification and cyber analysis and response activities, support direct analyst-to-analyst information sharing and shape the support that CISA regional personnel provide to stakeholders impacted by a cyber incident.

Emergency Communications

The FY 2023 President's Budget includes \$170 million for emergency communications to ensure interoperability at all times and to provide assistance and support for Federal and State, local, tribal, and territorial (SLTT) stakeholders. CISA's Emergency Communications Division enhances public safety communications at all levels of government across the country through training, coordination, tools, and guidance. We lead the development of the National Emergency Communications Plan to maximize the use of all communications capabilities—voice, video, and data—available to emergency responders and ensure the security of data exchange. We also assist emergency responders communicate over commercial networks during natural disasters, acts of terrorism, and other significant disruptive events.

The FY 2023 President's Budget includes a transfer of \$5.8 million from CISA's Emergency Communications to support the transition of CISA's regionally deployed Emergency Communications Coordinators (ECCs) from the Emergency Communications Division to the Integrated Operations Division. This transfer positions the ECCs organizationally alongside CISA's other regional staff to allow better synchronization of CISA service delivery to stakeholders and supports the maturation of CISA's regional service delivery model.

Additionally, the FY 2023 President's Budget includes \$70 million to support critical investments in the Next Generation Network-Priority Services program to continue the expansion of the program to ensure all priority national security and emergency preparedness users can communicate during all circumstances to safeguard national security, manage emergency response and improve national resilience.

Stakeholder Engagement

The FY 2023 President's Budget includes \$72 million for CISA stakeholder engagement activities focused on fostering collaboration, coordination, and a culture of shared responsibility for national critical infrastructure risk management with Federal, SLTT, and private sector partners in the United States, as well as international partners. This program includes implementation and stewardship of the National Infrastructure Protection Plan; management and oversight of national cybersecurity and critical infrastructure leadership councils, committees, and boards; and implementation of programs and projects intended to facilitate effective coordination with the national critical infrastructure stakeholder community.

The FY 2023 President's Budget includes an increase of approximately \$8 million above the prior request to support the execution and staffing of CISA's Cybersecurity Advisory Committee, which provides strategic and actionable recommendations to CISA on a range of

cybersecurity issues and topics, and the Cyber Safety Review Board, which conducts after-action reviews and assessments of significant cyber incidents, threat activity, and agency responses.

The FY 2023 President's Budget also includes an additional \$5 million to expand and enhance CISA's global engagement capability to ensure CISA can effectively coordinate with international partners to advance U.S. cybersecurity, infrastructure security, and emergency communications interests. Our global engagement program includes U.S.-based strategy, planning, analysis, and program management staff responsible for supporting the CISA attaché and liaison officer overseas; providing subject matter expertise, engagement planning, and analysis to CISA leaders relating to the FIVE EYES partnership; and working with foreign partners to help build capacity to defend against global cybersecurity, infrastructure security, and emergency communications threats impacting U.S. interests. The additional funds will allow CISA to expand direct engagements with international partners in the Western Hemisphere, Asia, and Europe on cybersecurity and infrastructure security issues of mutual interest and benefit through expert-to-expert exchanges, information sharing, and joint exercises.

National Risk Management Center

Finally, the FY 2023 President's Budget fully funds CISA's national risk management activities, including \$115 million for the National Risk Management Center (NRMC). The NRMC is a planning, analysis, and collaboration center which works to leverage sector and stakeholder expertise to identify and address the most significant risks to the Nation's critical infrastructure, and to coordinate risk reduction activities to ensure critical infrastructure is secure and resilient both now and into the future. The NRMC strives to create an environment where government and industry can collaborate to enhance critical infrastructure resilience by focusing on collective risk to National Critical Functions including through key initiatives such as position, navigation and timing security, emerging communications technologies, and supply chain risk mitigation.

The NRMC houses CISA's Election Security Initiative, which leads CISA's work to ensure the physical security and cybersecurity of the systems and assets that support the Nation's election infrastructure. The FY 2023 President's Budget provides \$46 million for a variety of activities and programs across the Agency that focus on the protection of election infrastructure. Our efforts focus on collaborating with those on the front lines of elections—state and local governments, election officials, federal partners, and vendors—to provide a full range of services, training, and information to help manage risks to the Nation's election infrastructure. Since the American people's confidence in the value of their vote is reliant on the security and resilience of the infrastructure that makes our Nation's elections possible, CISA is also committed to building national resilience to foreign influence activities that create risks for critical infrastructure. We help the American people and DHS stakeholders understand the scope and scale of activities targeting elections and critical infrastructure and enable them to take action to mitigate. CISA will remain transparent and agile in its vigorous efforts to secure America's election infrastructure from new and evolving threats.

Conclusion

I am honored to represent my dedicated teammates at CISA who work tirelessly in support of our mission to understand, manage, and reduce risk to our cyber and physical infrastructure. Our nation faces unprecedented risk, and CISA is at the center of our national call to action. In collaboration with our government partners, critical infrastructure entities, and international allies, and with the support of Congress, we will continue to make progress addressing this risk and maintaining the availability of critical services to the American people. The FY 2023 President's Budget requests the funding necessary for CISA to carry out these critical mission imperatives.

Before I close, I would like to take a moment to recognize this Committee's strong support for CISA. Your consistent efforts to fully resource CISA operational capabilities in response to complex and evolving threats has made our Nation safer. For myself, and on behalf of CISA workforce, thank you for your support. I look forward to working with you during the FY 2023 appropriations cycle to continue strengthening this Agency, and by extension, the security and resilience of our Nation's networks and critical infrastructure.

Thank you for the opportunity to appear before you today, and I look forward to your questions.

Ms. ROYBAL-ALLARD. Director Easterly, last week CISA, along with the FBI and NSA and international partners, issued a joint cybersecurity advisory on Russian-state sponsored threats to critical infrastructure within and beyond Ukraine. This advisory comes on the heels of a call I understand that you had with over 13,000 industry stakeholders to provide an update on the potential for Russian cyber attacks against the United States.

The timing of these actions, of course, is critical. And last month, President Biden issued a statement warning about the potential for Russia to carry out malicious cyber attacks, and in a recent interview you emphasized the need for immediate action saying, we have to assume there is going to be a breach, there is going to be an incident, there is going to be an attack.

For the benefit of the committee and the American public, what can you tell us about what an attack might look like and what you see as the immediacy of this threat?

Ms. EASTERLY. Thank you for that very important question, Chairwoman.

As we know, malicious cyber activity is part of the Russian playbook. And as we heard from the President, we know of evolving intelligence that the Russians are planning for potential attacks on our Nation, and so we have actually for the past 5 plus months been working with our partners across the Federal Government, across private industry, and with our State and local partners to enable us to share threat information at the classified and unclassified level with our intelligence community partners and all of the mitigation guidance that partners need to follow to ensure that they can drive down risk to their networks.

And that is really what is behind the advisory you mentioned and our Shields Up Campaign, which is very focused on making sure that businesses large and small, critical infrastructure, owners and operators, and the American people understand the threat and understand all the steps that they need to take to ensure the security and resilience of their networks.

So in terms of the threat, I think we could see three things. I think we could see the threat that we see going on pretty aggressively. Russian cyber attacks against Ukraine. They could cascade out of the region and have an impact on the U.S. We saw that in NotPetya in 2017, a destructive malware that cascaded out of Ukraine, affected multi-nationals.

We could see Russian-aligned cyber criminals launch ransomware attacks as we saw last summer in the Colonial Pipeline and JBS Foods, or we could see a deliberate attack by Russian-State sponsored actors against our critical infrastructure and that is why we have been working to ensure that everybody has their shields up and working collaboratively with our joint cyber defense collaborative specifically with the technology companies, with the financial companies, with the energy companies to ensure they have all the guidance they need to protect themselves.

Ms. ROYBAL-ALLARD. Okay. What steps is CISA actually taking to increase the security and resilience of the Nation's networks and critical infrastructure in response to the threats that you have just highlighted?

Ms. EASTERLY. As you know, ma'am, we don't own that infrastructure and so the vast majority is in private hands. And so we have been working since I came into this job to try and build those trusted partnerships with the private sector. I just spent the last 4 and a half years at Morgan Stanley and making sure that those are trusted and collaborative partnerships. That has really been our focus knowing that we don't own that infrastructure.

So we have been using the joint cyber defense collaborative that Congress gave us the authorities to set up a planning office. We did that in August. And with respect to Ukraine, we actually work with some of the biggest technology companies in the country to develop a plan. It is the first time the Federal cyber ecosystem, the Federal Government, has worked with the private sector to develop a multi-phase plan about what we would do if there was a cyber attack and then we stood up a collaboration channel using a platform called Slack where we are sharing real-time information about what the private sector is seeing and what the government is seeing so we can put that picture together in a common operating environment.

You recall that solar winds was not discovered by the U.S. Government; it was discovered by a cybersecurity vendor. So our partnership with those technology companies is critical. In addition, we have been pulling the financial services sector, 22 of the biggest banks, 38 of the biggest energy companies into similar collaboration channels so we can share information and early warning on malicious activities so that we can be prepared to drive down risk to the Nation.

Ms. ROYBAL-ALLARD. Okay. Are the resources and tools provided to organizations, especially critical infrastructure operators through CISA's Shield Up Campaign and other CISA efforts sufficient to defend our critical infrastructure against this threat? And if not, what additional support does CISA need?

Ms. EASTERLY. I think what we ask for in our budget for this year is sufficient for our mission, however, I think as we grow as America's cyber defense agency as we see a very complex threat environment that continues to get more complex and threat actors that continue to get more sophisticated and are very well resourced, we look forward to working with this committee to make sure that we do have the capacity and the capability to be able to defend Federal networks and to work with our critical infrastructure partners, some of which that are very target rich, but resource poor.

Think of the small hospitals, the small schools, the water utilities. We need to be able to continually provide them no cost services, tools, and assessments to ensure that they can raise that cybersecurity baseline. That is why the grant programs are so important, but we—we are very excited to work with you to make sure we can grow our capability to provide the defense that the Nation needs in cyber.

Ms. ROYBAL-ALLARD. Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Madam Chairwoman. And again, Director Easterly, I want to thank you for being with us today and wish you every sincere success with this mission. And this is so

critically important. We do a lot with the Federal Government, but this agency's mission, your mission is so, so important.

If I may, Director Easterly, the fiscal year 2023 budget requests nearly \$2.5 billion in funding for CISA. This represents an increase of over \$300 million above fiscal 2022—above the fiscal 2022 President's budget request and that is over a 10 percent increase. As I noted in my opening remarks, this is in addition to the nearly \$1 billion provided in fiscal 2022 through the omnibus, the American Rescue Plan, and the infrastructure bill.

Madam Director, Congress has given CISA a substantial amount of funding in a short period of time. Can you please outline some of the key cybersecurity capabilities those funds will provide and how it mitigates the threat of a cyber attack?

Thank you.

Ms. EASTERLY. Thanks so much and, again, very grateful for the funding we have received to date and excited to be able to execute our budget if we get what we requested. As you mentioned, \$377 million more that were requested in fiscal year 2022, and in terms of the priorities and how we plan to put that into execution, I think of it in three major buckets—people, process, and partnership.

On the people side and I would love to talk more about what you mentioned in your opening statement, Ranking Member, on how we are going to recruit and retain our talent because that is incredibly important, but we are also using that to support the rest of the agency. So we need to be able to have money for building human capital and procurement and acquisition and funding our financial office and our facilities. So that engine that drives the ability to create mission is incredibly important.

The \$174 million that we asked for that will be able to annualize the American Rescue Plan Act to help on Federal cybersecurity to include capabilities like end point detection and response, more money for our cyber defense collaborative. So that is really about partnerships with the Federal Cyber Executive Branch departments and agencies, those 101 separate departments and agencies, and with the private sector and with our international partners. So that is incredibly important.

And then the rest of the funding that we have focused on, things like our continuous diagnostic and mitigation capabilities to really allow us to have that very important visibility into Federal civilian executive branch network. That is absolutely critical to be able to manage the enterprise as an enterprise, not 101 separate tribal agencies. And that is something that is about modernization and transformation and to be frank, it is not turnkey.

It is a journey that we are taking that we need to instantiate these capabilities to finally be able to truly defend the Federal Civilian Executive Branch, sir.

Mr. FLEISCHMANN. Thank you so much for your answer. As my time is waning, I will be very brief. As you think about the growth of your agency, if we fully fund the President's request with some adjustments for what we provided in fiscal 2022, will CISA be right sized for the job, or put another way, does CISA need time to mature as an organization before continuing to grow at this pace?

Ms. EASTERLY. I, frankly, think the threat environment demands that we continue to increase our capability and our capacity, but

that, of course, demands that I am able to keep full confidence of this committee, that I can execute those funds. Incredibly important that as we get more money that we are able to responsibly execute it.

So we, with the additional funds we got last year, we executed it 99 plus percent, which I am very proud of the team and can't take a lot of credit for that since I got here at the end of last fiscal year, but that is why creating those mission enablers are so important to support the maturity and the evolution.

The threat environment isn't getting any less dynamic, less complex, less dangerous, and the threat actors are not getting any less sophisticated, sir. So I believe for us to achieve the Congress' vision to be America's cyber defense agency, that we are likely going to continue to need to grow in capacity and capability, but I would love to come back and have that conversation when the timing is right.

Mr. FLEISCHMANN. Thank you, Director Easterly.

Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Votes have been called, so I am going to go to Mr. Ruppertsberger and then Mr. Rutherford you will be next first when we get back.

Mr. RUPPERSBERGER. Director, I have been going over your resume. I usually don't do this, but I think it is important that we discuss some of your experience. I believe very strongly in the area of defense and also where—what we are talking about today, cybersecurity. The government and the business sector must work together in a partnership. Business sector can have a lot more sophistication and money to do certain things, working together. Russia's and China's are very communist, and we have an advantage that we can have a better product at the end. I think you are seeing what is going on just in the Ukraine right now.

I just want to point out, you know, you have a great career, you have a balanced career. You have talked about Morgan Stanley being in the business sector and dealing in this field, too, which is important. I think when you look at your education, you worked—well, first thing, you went to West Point. And then after that, you were a Rhodes Scholar. You attended Oxford.

It seems that you have a tremendous amount of experience to do the job and you also know that you are only as good as your team, and I am sure you have the ability to pick a good time. I also like the fact that you were involved in an issue we keep debating over and over about the NSA versus Cyber Command. And right now I think we have made the right decision but we have to keep moving ahead. But when you talk to General Nakasone, his recommendation is to stay there now. So something I am going to be talking to you about also.

My question, the fiscal year 2022 omnibus provided CISA with 65 million for Federal network. It is called Attack Surface Management and National Vulnerability Incident Response. Now, does CISA have plans to effectively execute these funds to provide a real-time common operating picture into dotgov assets that touch the public—the public facing internet?

And also, this is a similar capability which was U.S. Cyber Command's top unfunded priority last year. Are best practices from

other parts of the government, such as Department of Defense, being studied? You know, we have to work as a team. We know that this is probably one of the most important issues we are going to have to deal with in our lifetime, and I am glad you are in that position. We are going to try to do whatever we can, this committee, to stand behind you because you have got a lot of growing to do. You have got good people, but there is still a lot of growing.

And I know that you had a role at NSA at one time and then working on some of these issues and, you know, I—I think we are ready to go as long as we can keep funding you and help you just as long as you can justify the request.

Ms. EASTERLY. Yes, sir. Thank you so much, sir.

On the requests for the attack surface management capabilities, I am very excited about that. Having spent two plus decades in the Army and tactical operation centers all over the world and three times in a combat zone, I really understand the importance of a common operating picture.

And, frankly, it is one of the things that we don't have yet, and it goes to the point I made earlier about the importance of increased visibility. And that is why coming together across the Federal cyber ecosystem and why the JCDC with NSA, FBI, CISA, coming together with the private sector to help create that common operating picture is so absolutely critical.

CYBERCOM is also part of the JCDC. And as you mentioned, sir, I spent a good bit of time at NSA and actually worked with Paul Nakasone and Chris Englis to help stand up U.S. Cyber Command. So my connections to Fort Mead are pretty strong, and we absolutely are in regular contact with them to learn those lessons about how they have gone through this process.

And I think it is also important to say that their common operating picture can't be different from our common operating picture. They need to be connected because global networks are connected. And so those partnerships as you pointed out, sir, really that cybersecurity, cyber is a team sport is absolutely critical to the success as Chris Englis likes to say, you have to beat one of us to beat all of us.

Mr. RUPPERSBERGER. And, you know, you mentioned those gentleman. You have really, in my opinion, one of the better teams in place, not that the people before were doing the job and with you working with them to develop relationships. I think if we can continue to fund you, justified funding, I think we have got a good future ahead for our cybersecurity.

Ms. EASTERLY. Thank you, sir.

Ms. ROYBAL-ALLARD. Director, we are now going to go into recess and we will be back as quickly as we can.

Ms. EASTERLY. Wonderful. Thank you, ma'am.

[Recess.]

Ms. ROYBAL-ALLARD. The subcommittee will now come to order.

Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Madam Chair and ranking member and I thank, Director Easterly, for being here today. You know, I have to kind of echo my colleague, Mr. Ruppertsberger. I really am impressed with your past and I think we are going to be impressed

with your future, and so I thank you for all that you are doing for our country.

This is—I think just recent history has shown us how really important this department is going to be, you know, between SolarWinds, Colonial, JBS. Those attacks showed that it is not just government, it is private industry. It is everywhere, and you all are going to play a major part in that prevention, detection, and mitigation.

So my first question kind of going back and looking at those agencies that were impacted by SolarWinds, particularly, can you tell me the damage that was done, how the mitigation on that is going? And then kind of a second piece to that, what is being done to detect and minimize, you know, zero day vulnerabilities that may be out there in all three sectors.

Ms. EASTERLY. Yeah. Well, first of all, thank you for the kind words and appreciate it.

SolarWinds, as you know, sir, was really a wake-up call. And it was a wake-up call that taught us a couple key things. One, it taught us that we do not have the requisite visibility into the Federal civilian executive branch networks to be able to effectively protect and defend them. So all of the improvements that we have looked to make over the past 9 months to increase that visibility, to improve our architecture, to modernize, to be able to put in place zero trust, to really build more than just a network perimeter security mechanism is so important to really getting after that visibility issue, and we have spent a lot of time doing that and some of our budget request speaks to those types of capabilities.

So I think that is incredibly important. I think the second thing that we have learned is, we have to be able to work closely with our private sector partners, more closely because, as you saw with SolarWind, sir, that was not detected either within the Federal Civilian Executive Branch in the government or within the Intelligence Community; it was detected by a private sector company called Fire Eye.

And so the partnerships that we are forging with the private sector, who often times are going to detect that malicious activity before we do, are so absolutely critical in forging that collective defense. And so, as we build more detected capabilities, as we continue to mature our continuous diagnostic, mitigation program, as we instantiate zero trust and secure cloud, and multi-factor authentication and end point detection and response, making sure that we are also bringing together the private sector and the public sector to really build that common picture of the threat environment, I think is going to be critical to solving this really challenging and complex problem.

Mr. RUTHERFORD. Yeah. And, listen, I want to congratulate you on those efforts of outreach. I know in my district I think within the next month or so, we have scheduled a CISA individual that is coming down to talk to our small business Hispanic owners who, you know—we want to help them prepare and then, I think, we are going to have a follow up with the chamber. So your folks are doing a great job on responding to those outreach efforts, and I really appreciate that.

Beyond the grants that you mentioned before and these sort of one-on-one working together with local businesses, can you give me any other ideas about how we may help the small business community prepare for these types of attacks?

Ms. EASTERLY. Yeah. Absolutely. Thank you for asking that, and I know my team down in the fourth district has had a lot of fun working with your constituents and really enjoy. I think that is the greatest thing that we have been building over the past couple years is the field force that allows us to engage on the front lines where the action really happens. So really grateful.

Mr. RUTHERFORD. It has been excellent.

Ms. EASTERLY. So really grateful. You know, in addition to the grant programs, which I think are really important for State and local, we offer a whole slue of no cost services, whether that is tools, assessments, phishing assessments, vulnerability assessments, resilience assessments, no cost free training that we do with our cybersecurity advisers and our protective security advisers, and we provide that really all over the country.

One of the things that I am proud of that our team did as part of our Shields Up effort is, we work with private sector. And so you can go on that website and look at pages and pages of free cybersecurity services and tools. Because probably like you, sir, I worry a lot about those target rich, but resource poor entities, small businesses that Americans rely on for commerce and everything else and really making sure that they have the knowledge and the capabilities to increase their cybersecurity baseline is so important.

Mr. RUTHERFORD. Thank you very much. I am sorry. My time has run out, but thank you, again, for everything.

Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Ms. Underwood.

Ms. UNDERWOOD. Thank you, Madam Chair. And thank you, Director Easterly, for being with us today. Business leaders play an essential role in our national security. In March, I participated in a briefing for Illinois small businesses with the Illinois Chamber of Commerce, CISA, and FBI to help Illinois businesses prevent, identify, and respond to malicious cyber activity. The briefing informed business leaders about CISA's Shield Up guidance and all the services and tools CISA can offer the companies like theirs,

One tool CISA mentioned during its briefing is its phishing email exercise where it will send a 6-week campaign of emails to a companies' employees and evaluate areas for improvement. The most consistent comment that we received during and after the briefing was that our constituents and businesses did not know about CISA's wide range of resources.

Do regional CISA offices have the capacity to provide more workshops and briefings like these to help small and medium-sized companies learn about their resources and how else can CISA reach out to share tools and resources with the public?

Ms. EASTERLY. Yeah. That is a fabulous question. Thank you so much for it. This is why I am so excited about the growth of our field force because I think it is incredibly important that we are able to raise awareness and it is something that I would ask for your help and the rest of the help from the committee, because, you

know, as we know, we are the newest agency in the Federal Government.

The Congress set us up to be America's cyber defense agency to help us support the resilience and security of our critical infrastructure that Americans rely on every hour of every day, and we are there to provide a whole range of no cost services, advisories, guidance.

And so we are working to get out to all the constituencies, your districts, every region to be able to ensure that that information and that guidance is out there to include very important things like those phishing assessments, those resilience assessments, those vulnerability assessments.

So I would be grateful to continue to work with you all, and I would ask for your help in amplifying who we are and what we do for the American people.

Ms. UNDERWOOD. Okay. I think it is especially important that small and medium companies have the tools that they need to remain secure. In 2021, more than 40 percent of cyber attacks targeted small and medium-sized businesses, praying on companies that often lack the resources and personnel to implement cyber hygiene measures. What else is CISA doing to build strong partnerships between public and private sectors to defend against the evolving threats of today and tomorrow?

Ms. EASTERLY. Yeah. Thanks for the question. Our growth in cybersecurity advisers and cybersecurity State coordinators will, in fact, help because we can work directly on the front lines with all of your constituents to make sure that they have the tools and the resources that they need, but the other thing, just going back to my point about what we are building with the private sector, so the dots that we are connecting given the threats that are being illuminated with our work with the private sector, all of that then turns into advisories and guidance that we publish very widely that can be used by all manner of businesses.

So if you go to the Shields Up website, we specifically say, here is guidance for businesses large and small. And I am keenly aware that it is those small businesses that often times are strong targets for malicious cyber actors, but also don't have the resources or the knowledge or the guidance to be able to protect themselves. And so we are on a widespread campaign across the country to ensure that all businesses have what they need to include the knowledge, guidance, tools, and capabilities to help protect themselves because that connectivity really is about making the Nation safer.

Ms. UNDERWOOD. During our briefing, one participant submitted a question and asked what is the largest risk for local governments? Can you share your thoughts on that and how local governments can best prepare?

Ms. EASTERLY. Absolutely. I think because of what we just talked about and the fact that many of these small businesses are not well resourced, don't have the security people, the technology, the assessments, as we have seen over the last year and a half, it is really the scourge of ransomware that has impacted these schools, these municipalities, these small businesses, these hospitals, and so it is why we developed this one-stop shop, stopransomware.gov website that pulled together all of the resources across the Federal

Government to say, this is what we know about ransomware, this is how you protect yourself from being hacked, and this is how—this is what you do when you have been hacked. I think that is incredibly important.

Ms. UNDERWOOD. Well, I was proud that the National Defense Authorization in 2021 contained a component of the RESILIENT Act, which is a bill of mine that protects communities from domestic terrorism. The provision required CISA to develop a stakeholder outreach and operational engagement strategy by January 1st of this year to ensure that critical infrastructure and nonprofit organizations are benefiting from DHS services. And then CISA was required to submit the plan to the House Committee on Homeland Security.

Can you give an update on the development of this outreach strategy and implementation plan?

Ms. EASTERLY. You bet. Thanks for asking. My very diligent team created the strategy. What I have asked them to do is to make sure that it is nested within the wider CISA strategy because I want to make sure we are holistically looking across our entire agency because stakeholders and partnerships are absolutely fundamental to everything we do, and so I am looking to get that full strategy to include the stakeholder engagement strategy in the next several months and I would love to come brief you on some of the specifics. Because I absolutely agree our engagement at all levels, State, local, private industry and then, in particular, the nonprofit community.

When I was in the private sector, I served on several nonprofit boards and they are part of, in some ways, because they hold a lot of sensitive data, target rich, and resource poor. So helping them make sure that they can raise their cybersecurity baseline is absolutely critical.

Ms. UNDERWOOD. Thank you. I yield back.

Ms. ROYBAL-ALLARD. Mrs. Hinson.

Mrs. HINSON. Thank you, Madam Chair. Welcome, Director Easterly. Thank you for coming before us today. I really appreciated in your opening remarks you talked about the threats from Russia, China, these countries that North Korea that they keep engaging against us in this way and I am pleased also about the State and local partnerships that you are working to develop.

You know, when we look at critical infrastructure and its impact on the food supply, we are very sensitive to that, obviously, in Iowa. I also heard you mention JBS in your opening remarks, which that directly impacted my district with the plant there.

So as we know, cyber attacks really can threaten our Nation's food supply, really disrupt our economy, so how are you as an agency at CISA engaging with targeted entities, similar entities to that? Is that the field force? Is that how you are trying to roll that out? And then what are you doing to learn from those past exposures like what JBS experienced?

Ms. EASTERLY. Yeah. Great question. You know, it was similar to how Colonial Pipeline was a wake-up call for that sector. JBS was really a wake-up call for the food and agriculture sector. And after that occurred, we actually got together with the cosector risk management agencies, Department of Agriculture, and HHS to ac-

tually do that after-action review. What did we learn from that and what can we do to better secure what is largely, as you know, ma'am, private.

There is really no government aspect of that, and because many of these are part of those target rich, resource poor, we have to be able to ensure that they have the tools and the guidance so that they can help protect themselves.

So as you mentioned the field force, two of my regions actually partnered in late 2021 and 2022 to ensure that we walked through an exercise on what do we need to do to ensure we are protected. And as you probably recall, the new cooperative ransomware attack that was also something that we looked at, we did an after-action review, and then we put out guidance on what these entities needed to do to protect themselves.

So it is one of these places where we know we need additional resources and that is one of the reasons why we are—our budget requests invests a significant amount in what we are trying to do in our field force to provide these services to these target-rich, resource-poor entities.

Mrs. HINSON. I think a lot of people learned a lot of lessons from what happened in those cases, but, you know, when you talk about your funding request, critical infrastructure specifically, enhanced protection there, how do you choose what is the priority there? How do you choose which critical infrastructure to prioritize?

Ms. EASTERLY. Yeah. Something I learned in the Army, if everything is a priority nothing is a priority. And it is hard because we know in today's complex technology world, everything is connected. So in some ways you have to be—you have to say, yes, I prioritize, but I also need to know that, even if I spend a billion dollars at Morgan Stanley in protecting my networks, I might have vendors that are connected to that network within my supply chain.

Mrs. HINSON. A liability there, too.

Ms. EASTERLY. Right. So what we are trying to do through our national risk management center is actually delineate what we are calling the primary, systemically important entities, which lay out those entities, major entities that are systemically critical to our national security, our economic prosperity, and our public health and safety.

And so the list now which is thousands and thousands based on what is called Section 9 of an executive order in 2013, 13636, is just too big. And so what we are trying to do is pair that down, but we want to work through it with our sector risk management agency partners who have that expertise and I, frankly, want to work through it with the private sector to make sure that we are all in agreement on this.

Because at the end of the day, if there is a major attack on this country, we have to make sure that those most systemically critical entities have the resources, the intelligence, the capabilities to be able to defend our Nation.

Mrs. HINSON. So I heard you ask us for our help in getting word out about these things.

Ms. EASTERLY. Yes, ma'am.

Mrs. HINSON. What do you think is the way we can—other than funding for the agency, what are the other ways where you think

we can be helpful to you in getting that message out? I think about our rural communities and they need to know this information. A lot of those small risk averse—they want to be risk averse, but obviously they don't have necessarily the tools to do that. So what would you recommend there?

Ms. EASTERLY. Well, I would just greatly appreciate, obviously, the budget piece, but continue to help us amplify our message. As America's cyber defense agency, the newest agency in the Federal Government, a lot of people don't know what CISA is. And so helping us get that message out so folks understand, we have a whole variety of no cost services and tools, which is incredible for some of these small entities that just don't have the resources.

And so we have a field force that meets with constituents in every district in every State and I would be very glad to meet with your constituents and help them understand the kind of services that we can provide, to help keep them safe and secure in cyberspace.

Mrs. HINSON. Thank you. I yield back.

Ms. ROYBAL-ALLARD. Mr. Aguilar.

Mr. AGUILAR. Director, you should be careful about offering to visit districts because there is a lot of us who will take you up on it on those types of things.

Ms. EASTERLY. I am up for it. I am in.

Mr. AGUILAR. Mrs. Hinson and I might be sending you letters.

Director, I wanted to focus on the election security efforts that you highlighted in your written testimony. One issue that I have been tracking closely is misinformation and disinformation and election interference in the Spanish-speaking community.

In fact, I just came from the Committee on House Administration, Subcommittee on Elections where we focused on mis and disinformation, disenfranchise, and how it disenfranchises voters.

In response to foreign influence in 2020 election, CISA developed the mis, dis, and mal information, MDM teams, as you mentioned. Just this year, the team created a variety of useful resources for the public and I appreciate what you all have done; however, those materials are only available in English.

And as we saw in the 2020 elections, Spanish-speaking communities were significantly targeted with election misinformation. It is crucial that any misinformation efforts be given not just in Spanish but in other languages where we have seen this activity.

Could you share your long-term strategy for the MDM teams? How do they plan to release materials? And how do you plan to reach into other communities where non-English speaking residents are of primary focus as well?

Ms. EASTERLY. Yeah. Thanks so much for that question. It is so important. We have been building the misinformation/disinformation/mal information team for about a year and a half now. We have given additional resources. The focus is really on threats that could impact our critical infrastructure, like our election infrastructure. And as you pointed out, Representative, we actually have created a lot of great products and I am keenly aware that they need to be translated and the good news is, we are working on that.

So hopefully soon you can go to our MDM website and see the translations in Spanish and we are also going to look at other languages as well. But very important to me that we make sure that those are available as widely as possible.

Mr. AGUILAR. Great. I appreciate that.

The cyber workforce—I wanted to shift gears a bit—issues impact national security as we know and in the department’s budget request, CISA also proposes to zero out funding to support the national initiative for cybersecurity education. As you know, funds were provided by Congress specifically to support that program.

Can you share why CISA proposes to cut funding for this program?

Ms. EASTERLY. I personally believe and this budget was created with I think some of our colleagues thought that perhaps, because we are a growing agency, that those capabilities were best put in places like the National Science Foundation. If that money comes to CISA, it is a passion of mine to ensure that we are educating K–12 and, frankly, K through gray.

This is all about the American people keeping safe and secure online. So if that money ends up coming to us, I would be very happy to implement it. If that money ends up at the National Science Foundation, I will be thrilled to partner with them to ensure we can put resources in place to educate our kids so they can stay safe online.

Mr. AGUILAR. Over the last decade, CISA and the NSA have worked closely together to support and develop a cyber workforce pipeline as well. Local university in my district, Cal State San Bernardino, a public university and Hispanic serving institution, has been a key player in building that pipeline.

Our country can absolutely benefit from a closer coordination between CISA and NSA, Centers For Academic Excellence, cybersecurity programs. And currently CISA’s chief learning officer leads the DHS memorandum of understanding agreement with NSA, but we haven’t seen DHS fully fund that partnership.

What can CISA do to fully embrace this partnership, specifically with respect to Centers For Academic Excellence and what is preventing—what is the hesitation within CISA to move forward?

Ms. EASTERLY. No hesitation. I think it is just a matter of we are a growing agency, we are a maturing agency, and we are looking to put programs in place that will be sustainable and scalable. We are doing some pilots, but I want to make sure something as important as building a diverse workforce and tapping into those schools of excellence, which having served at the National Security Agency, I absolutely appreciate how you tap into that talent, I want to make sure that this is something we can do on a scalable basis.

So we are in the process of completely retooling our talent management ecosystem. How do we recruit people, train, mentor, coach, certify, set up retention opportunities, and how do we tap into these universities all over the country much more effectively?

And so that is something that I am putting a lot of energy into, both trying to kill some of the bureaucracy about how hard it is to hire people into the Federal Government, but also putting into play some of the new authorities that Congress gave us, the cyber talent

management system, so we can hire much more flexibly to include people coming out of these universities through the scholarship for service program, but also be able to pay them closer to market so we can stay competitive.

Mr. AGUILAR. Thank you, Director.

Yield back, Madam Chair.

Ms. ROYBAL-ALLARD. Mr. Palazzo.

Mr. PALAZZO. Thank you, Madam Chair. And thank you for holding this hearing today. Ms. Easterly, thank you for joining us today and especially thank you for your service, 20 years in the Army, three combat deployments. That means a lot. Thank you for what you are doing in your current capacity.

My primary interest lies on cyber attacks on our critical infrastructure, particularly as it relates to Russia. In a recent alert, titled "Russian-state sponsored criminal cyber threats to critical infrastructure," CISA warned that Russia's invasion of Ukraine could expose organizations to increased malicious cyber activity.

Given that an evolving intelligence indicates that the Russian Government is exploring options for potential cyber attacks on the U.S. and our allies, could you tell me, in this unclassified setting, the number of engagements that your teams are responding to on a daily basis and are these state actors or non-state actors or a combination?

Ms. EASTERLY. Thanks for the question. To date we have not seen specific attacks on the U.S. What we are concerned about is the fact that Russian malicious cyber activity is part of their play-book and, of course, as you just mentioned, we have seen evolving intelligence about potential plans. To date, thankfully, we have not seen attacks manifest here, but we are very concerned that as the war drags on that there may, in fact, be retaliatory attacks, given the very severe sanctions that we have imposed on the Kremlin, the U.S. and our allies. There may be ransomware attacks or there may be cascading attacks as we saw with the destructive malware NotPetya in 2017. It is why, sir, we have focused so much on working with our partners, 150 engagements with tens of thousands Americans, the 13,000-person call we had the chairwoman mentioned to ensure people understand that threat and that is what was behind that advisory, but more importantly, what they need to do to put their shields up.

Mr. PALAZZO. So if I struck the word "Russia" inserted China or North Korea or Iran, would there be any engagements for you to discuss in this unclassified setting?

Ms. EASTERLY. Not in this setting, sir.

Mr. PALAZZO. All right. I would like to take this opportunity to also thank CISA for their partnership with the University of Mississippi Medical Center on the first responder emergency medical communications program.

This program is helping to prepare first responders in Mississippi to be better equipped for their job, particularly in rural areas. This project has been a success so far and one that I believe should serve as a national model.

Additionally, in your testimony, you mentioned reducing risk of attacks on soft targets in crowded places. My alma mater, the University of Southern Mississippi, has been a leader in this field

through their national center for spectator sport safety and security, NSF4.

For many years, continues to do cutting-edge research on this topic. To accelerate any effort that would reduce the risk of attacks on soft targets in crowded places, I want to ask, does CISA do any university partnerships with programs such as this?

Ms. EASTERLY. Yeah, absolutely. And both those partnerships that you mentioned, sir, as well as what we do with NCS4, I think are so important. I actually was mentioning that I was excited to get out there to be able to be on the frontlines and spend some time. I think we are doing something at NCS4 coming up in the coming months, but these are incredibly important, because as we know, universities, some of these colleges, in particular, if you look at the past several months, some of the HCBUs were really the victims of some of these scare campaigns and warnings.

And so working with these entities to make sure they know how to put in place protections to protect their people and their students is so incredibly important.

Mr. PALAZZO. I think I may have one more question.

As we all know, especially in the cyberspace, it is increasingly difficult to compete with private sector companies, especially the big names when it comes to recruiting, hiring, and retaining talent. And although the government was managed to pull you away from a Morgan Stanley, can you comment on your ability to hire talented individuals for jobs within CISA? And although the agency's still relatively new, are you having any difficulties in retaining that talent?

Ms. EASTERLY. I have been really thrilled that we have had so many awesome people join the team just over the last year. You know, at the end of the day, nobody comes to government to make money, right? Everybody comes because they have a sense of mission and they feel that it is a calling to raise their hand and support the Constitution of the United States and defend the Nation. And I think there are a lot of people that are attracted to this new mission of defending the Nation in cyberspace. You know, I am not looking for somebody to necessarily make a career; what I am looking for is somebody to come in, join us maybe for 2 or 3 years, and then maybe they go out and they work at a university, maybe they go out and they work in a grain cooperative, maybe they go work in a hospital, but they are still helping with the collective cyber defense of the Nation.

So I don't like to think of it as competitive; I like to think of it as, we are all part of that collective cyber defense and I love the idea of bringing people in, getting them trained, getting them excited about our mission, making them understand what CISA does, and then maybe sending them back out again to be part of the collective cyber defense of the Nation.

Mr. PALAZZO. Thank you for sharing.

I yield back.

Ms. ROYBAL-ALLARD. We are expecting another round of votes around 3:30, quarter to 4, but I would like to try and squeeze in a second round. And so to give everybody an opportunity, I just want everybody to be cognizant of the 5-minute rule.

Director Easterly, I am sure you receive a lot of pressure to do more for critical infrastructure operators, especially as our adversaries increasingly seek to target those sectors and the gaps in our current capabilities become more apparent. The President's budget request for 2023 includes \$80 million in FEMA's budget for a CISA-led competitive cyber grant program for private and public sector critical infrastructure providers.

What is your vision for this grant program and do you see this as an enduring effort or something more short-term?

Ms. EASTERLY. Yeah. Great question. So as you know, we have that \$1 billion grant program for State and local and we are looking to release the notice of funding opportunity for that for the first \$200 million. So I see this \$80 million program effectively as a complement to that, to go after those target-rich, resource-poor critical infrastructure providers. I would draw your attention, in particular, to water.

Water entities that, frankly, are very target rich as we saw with old in February of 2021, but resource poor. And so being able to provide grant money to help them raise their cybersecurity baseline I think is really important. You know, from an enduring capability, I don't know the answer to that, chairwoman. I want to make sure that we are developing this program with our FEMA colleagues, making sure that we are responsibly putting this in place so that it will make a difference, and then we will come back to you and let you know whether, in fact, we think it is right sized and directed at the right things.

Ms. ROYBAL-ALLARD. And what is the right role for the Federal Government and what should critical infrastructure owners and operators realistically be doing on their own?

Ms. EASTERLY. Yeah. I think some of the big entities have the capabilities, the investment. Certainly when I was at Morgan Stanley, we had a lot of resources to be able to protect the firm. Then there are other entities that are not as well resourced. And so it really is not a one size fits all. And so in the cases of the less well resourced, that is where we can step in, provide grant funding, we can work with the State and local level the MS-ISAC, we can work directly with our regional field force, but there are some things that I think it is important that we are able to help provide, but at the end of the day, what I want to do is less give a fish than teach a person to fish so that folks understand the investments that they need to make and the folks they need to hire and the technology they need to implement and so they can then do it sustainably and scalably going forward without necessarily having to depend on the Federal Government for support.

Ms. ROYBAL-ALLARD. Okay. The Multi-State Information Sharing and Analysis Center, or MS-ISAC, has been a great source for State and local entities seeking to increase their cybersecurity posture.

When you think of how the Federal Government, particularly CISA and FEMA can provide cybersecurity support to State and local entities, what do you believe is the right model and should we continue to build upon the MS-ISAC and the technical support CISA already provides?

Ms. EASTERLY. Yeah. The MS-ISAC is a terrific partner. We, of course, fund them and the services they provide at the State and local level, both information sharing, what is called Albert sensors which help provide perimeter support, I think are incredibly important and I am excited about the continued partnership there.

I also think that we need to make sure that the State and local folks can benefit effectively from this new grant program, so they can help build their own capabilities. And then finally, I am excited about being able to use our field force to ensure that at the State and local level they understand all of the no cost services that we can provide to them directly.

So MS-ISAC, grant programs, field force, and CISA no cost services, I think is really a three-pronged program to help us support our State and local colleagues.

Ms. ROYBAL-ALLARD. I am going to set the example. I have a few seconds left, but I do want to give others opportunity. So Mr. Palazzo. Oh, I am sorry. Mr. Rutherford. I apologize.

Mr. RUTHERFORD. Thank you, Madam Chair. I want to talk a little bit about the future when—CISA's relatively new, obviously, 2018, and in watching this mature makes me want to ask the question about the near-term future, say, 5 years, particularly in light of what Mr. Palazzo was talking about earlier, this whole staffing and education piece.

As a country, are we preparing for, you know, that generation of workers because you don't just—I am sure you don't just go out on the street and, you know, hire folks. They have very specific backgrounds that are necessary, and so I am wondering about our workforce and how that fits in to your 5-year plan, 3-year plan, whatever it might be?

Ms. EASTERLY. Yeah. Thanks for the question.

Certainly from a CISA workforce, that is where I am putting a huge amount of effort into making sure that we have the capability and capacity and, frankly, the very diverse workforce that will help us bring that diversity of experience to solving the toughest problems. One of the goals I have set for myself is helping our Nation get to 50 percent women in cybersecurity by the year 2030. So I am excited about that.

But as you point out, sir, this really is a national issue. And that is why going back to the question around K-12, I do think it is incredibly important. You know, everybody in this room is basically a digital immigrant. Our kids are digital natives. They are on their laptops and iPads from the age of 2. And so ensuring that not only are they faster in terms of how to manipulate things on those iPads, but that they know how to protect themselves is so incredibly important.

And as we are helping to make sure they protect themselves, I think we are also igniting that spark about how cool it is to be in cybersecurity and I think that is how we are going to get after some of these workforce issues, but we really need to create this fluency across all of the country and it is why I spent so much time on cyber hygiene.

Really the basics of how to protect ourselves from the phishing training that Representative Underwood was talking about to up-

dating your software, to complex differentiated passwords and a password keeper, to using multi-factor authentication.

I think the ranking member mentioned this. When I say multi-factor authentication, when I am talking to the average person, they will say—their eyes will glaze over and it will sound too technical and it is multi-syllabic so what does it all mean? And so what we are trying to do—and I would love this committee's help with it—is make it real simple, right? More than a password, because that is what it is. Instead of just a login and password, use a second form of authentication so the more than a password. It also calls for the 1986 classic by Boston, More Than a Feeling, so if you kind of get that in your head, right?

So we really are trying to make sure that we can get this message out to the American people in a way they can protect themselves because MSA study show keep you 99 percent from being hacked. What gets you 99 percent these days?

Mr. RUTHERFORD. That is huge, yeah. Thank you. So let me ask you something from more of a macro level. In the field of criminal law, individuals have a right to protect themselves and that right is there because we recognize that the government can't be everywhere to protect you. So you have a right to protect yourself.

How do you see that conflating over to this cyber world where I am being attacked and I want to defend myself because what I hear a lot about is defense. I am wondering about offense. How can I, you know, sometimes the best defense is a good offense, but then also how do I, as an individual, do I have the legal right—and I know some of these questions are being debated now, and what is the right of someone to defend themselves and how do they do that in an offensive way? In other words, punching back, for example?

Ms. EASTERLY. Yeah, yeah. So the great thing about being at CISA is our north star is all about cyber defense. So everything we do is about creating resilience, making sure that we can detect, respond, and recover. And so unlike my days in uniform and at U.S. Cyber Command, I do not do offense, but, of course we work very closely with U.S. Cyber Command, with FBI, with the Intelligence Community because what those agencies may be doing on the offensive side has to inform what we are doing on the defensive side and it really goes back to my point about cyber has to be a team sport, but we all have roles and responsibilities that when we come together we can actually make the Nation safer.

Ms. ROYBAL-ALLARD. Ms. Underwood.

Mr. RUTHERFORD. Thank you very much. I yield back.

Ms. UNDERWOOD. Thank you so much. I would like to discuss election security. You may know that this issue hits close to home for Illinois voters because in July of 2016, Russian hackers penetrated the State of Illinois Board of Elections voter registration database stealing the personal data of about 76,000 Illinois voters, so ensuring the security and integrity of our election has always been a top priority. I would like to get an update on what CISA's doing to work with State and local election officials to defend our election infrastructure?

Ms. EASTERLY. Yeah. Thanks so much for the question.

This is, obviously, one of our top priorities. Since 2020 and my predecessor Chris Krebs, obviously, we are very focused on the

2022 midterms and beyond. One of the things that I am most excited about is we just recently to the question about talent, we just recently brought on board the former secretary of State of Washington State, actually Republican Kim Wyman, incredible election official with decades of experience and she is my senior election lead.

She was actually just out in Arizona. She is out in California now working hand in hand with our former colleagues, the secretaries of State across the Nation and with State and local election directors to make sure that they can avail themselves of all the resources that are needed to ensure that State and local—because, of course, we are the Federal Government, so we don't get involved in State and local elections, but we are here to help to make sure that all State and local election directors have the resources that they need to ensure the integrity of their election security.

And it is both cybersecurity, it is physical security, it is insider security, and it is security from misinformation and disinformation. So we are working very, very hard hand in hand with our partners to make sure they have what they need.

Ms. UNDERWOOD. Great. In your testimony, you stated that CISA will remain transparent and agile in its vigorous efforts to secure America's election infrastructure from new and evolving threats. What are the major threats specific to the 2022 midterm election and can you describe some of the new and evolving threats you mentioned in your testimony?

Ms. EASTERLY. Yeah, thanks for that. So, of course, we need to continue to worry about technology threats and cyber threats and I think the improvements that we have made working with State and local election officials over the past 4 years, 5 years have actually made a material difference in raising that cybersecurity baseline. And we can't take a lot of credit for it. A lot of credit goes to my predecessor, but I think that work that was done was incredibly important. Now, I am also concerned about physical threats, both to election officials as well as facilities. I am concerned about potential insider threats, and, again, I am concerned about some of the misinformation and disinformation.

So as you may know, we set up something called Rumor Control, which is really just a website that enables us to put out information that is really just about facts. Facts about absentee ballots, facts about paper ballots just so the American people have the information that they need to maintain confidence in the elections in the integrity of elections, really nothing more important, frankly, for the democracy we live in for Americans to have that sense of confidence.

Ms. UNDERWOOD. Have you found that your staff have been able to connect with State officials across the country on these issues to share the information about these threats or has the openness from different States changed given the climate?

Ms. EASTERLY. You know, to date, I have not sensed a material difference in that. It was one of the reasons why I was very interested in having a former Republican secretary of State join me, because at the end of the day, you know, I am an independent. I have been an independent my entire career. I have served in Republican administrations, I have served in Democratic administrations, and

the one thing that CISA needs to be able to do is to remain non-partisan, because we work with Republican secretaries of State, we work with Democratic secretaries of State, and we are all about ensuring that no matter what party you are, you have the tools, the resources, the capabilities to protect your elections.

And so I continue to have very good relationships, the Republican secretary of State, the NAS President Kyle from Louisiana. I mean, all of my experiences to date have been incredibly positive.

Ms. UNDERWOOD. I am glad to hear it. Thank you so much for your testimony today.

Ms. EASTERLY. Thank you, ma'am.

Ms. ROYBAL-ALLARD. Mrs. Hinson.

Mrs. HINSON. Thank you, Madam Chair. And thanks for sticking around for round two. I appreciate in your remarks you put in there about emergency communications and emergency resilience and our district in Iowa is very sensitive to that. In 2020, we had a major derecho come through, 140-mile-an-hour winds. It knocked out communication across the board.

Our emergency responders were really struggling to communicate with not only each other, but with members of the community as well. So I would just like to ask in what ways are you supporting the mission of making sure that that emergency response critical infrastructure is not only protected but resilient should a major disaster like that happen? What are the plans in place that you are working with?

Ms. EASTERLY. Yeah. Thanks for the question. You know, these are kind of the unsung heroes of CISA. I actually didn't know much about the emergency communications mission before I started going through my confirmation hearing and it is pretty incredible when you think about that. You call 9-1-1 and, you know, somebody answers at the end of the day. And as you just pointed out, if there is no answer on the end of that phone call, it could cause amazing significant impacts on human life.

And so I am incredibly proud. We actually decided to name April emergency communications month so we could celebrate the great work of all of our emergency communicators across the country working with partners like Nick Swick and First Net and everybody to make sure that these communications are resilient.

In terms of going forward, one of the most important things that we are doing is making sure that next generation 9-1-1 is cyber resilient because as we move to technology that may, in fact, be more vulnerable to the cyber threats that we are seeing increase in complexity and dynamism and danger, we need to ensure that we are standing up new capabilities that are just as resilient to our legacy capabilities. And so a lot of focus on that in the coming years.

Mrs. HINSON. Awesome. Thank you.

Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Mr. Aguilar.

Mr. AGUILAR. Thank you, Madam Chairwoman.

Director, I wanted to follow up on my colleague Mr. Rutherford's question related to K-12 focus, cyber workforce pipeline that we talk about in CISA's Cybersecurity Education and Training Assist-

ance Program, CETAP, has been an important tool in helping to build that pipeline and equip K–12 teachers with cyber curricula.

This program was formerly authorized by Congress in 2021 as well and I was surprised to see CISA didn't request funding for this program in this fiscal year. My colleagues and I appreciate the creativity that you and your team bring to this whether it is funded or whether it is not, but from our perspective, we feel strongly about including, you know, specific categories to kind of sharpen the focus and especially given your comments about the workforce and your commitment to have 50 percent of the workforce by 2030 be women, I think this is something that we should look at.

So can you share the department's long-term strategy for CETAP and the efforts to support cyber education?

Ms. EASTERLY. Yes, sir. As you alluded to, it is not at all clear whether CETAP funding is going to end up within CISA or within the National Science Foundation. If those funds end up with us, we will do everything we can to be able to leverage them responsibly to really build those pipelines incredibly important.

One of the uses for CETAP funding that you probably know is actually to build the cyber innovation center, which is in Louisiana. I was actually talking to the Governor there a couple days ago and he was saying how important that is, again, in terms of incubating the ability to create these diverse pipelines.

So if that funding comes to us, I am very dedicated to making sure that we are looking at the cyber workforce, not just from a CISA perspective, but from a nationwide perspective. When we have to start with our youngest of ages to be able, again, both to keep them safe online but to ignite that spark because maybe they do want to join the cybersecurity workforce.

So I look forward to working with you to make sure we get this right.

Mr. AGUILAR. Thank you so much.

Yield back, Madam Chair.

Ms. ROYBAL-ALLARD. So with that, Director Easterly, I want to thank you very much for your time and for the excellent leadership that you are providing to CISA at this very, very challenging time.

With that, the subcommittee on Homeland Security stands adjourned.

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